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JOURNAL

OF THE

TERRITORIAL COUNCIL

OF THE

LEGISLATIVE ASSEMBLY OF OREGON TERRITORY.

TENTH REGULAR SESSION—1858-9.

THE EIGHTY-SECOND YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

SALEM, OREGON:
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1859.

JOURNAL

OF THE

TERRITORIAL COUNCIL.

MONDAY, DECEMBER 6, 1858.

In conformity to law, the tenth regular session of the Legislative Assembly of Oregon Territory, commenced this day.

The members of the Council assembled at their chamber, in Salem:

Present—

Mr. Nathaniel Ford,

Member from the counties of Polk and Tillamook.

Mr. Aaron E. Wait,

Member from the counties of Clackamas and Wasco.

Also, the following members elect:

Mr. James W. Mack,

From the counties of Lane and Benton.

Mr. George H. Steward,

From the counties of Yamhill and Clatsop.

Mr. Charles Drain,

From the county of Linn.

On motion of Mr. Ford,
Mr. Drain was appointed President, *pro tem.*

On motion of Mr. Wait,
N Huber was appointed Clerk, *pro tem.*

On motion of Mr. Wait,
Ordered that a Committee of two be appointed to examine and report on the credentials of members elect.

The President, *pro tem*, appointed Messrs. Wait and Ford.

Mr. Wait,
From the Committee on Credentials,
Reported the following, to wit:

The Committee appointed to examine the credentials, and report the names of new members elected to and entitled to seats in this body, respectfully report:

That they find that J. W. Mack was duly elected to and entitled to a seat in this body, as a Joint Councilman from the counties of Lane and Benton.

And that George H. Steward was duly elected to and entitled to a seat in this body, as a Joint Councilman from the counties of Yamhill and Clatsop.

Your committee also find that Charles Drain is present, claiming a seat as Councilman for Linn county, and that his certificate of election has been left at home by mistake; but your committee entertain no doubt of the regular election and clear right of said Drain to a seat in this body as such Councilman, and recommend his admission thereto.

Your committee also find that John C. Peebles and Samuel Parker are both present, claiming the office of Councilman for the county of Marion; that both present certificates, regular upon their face, and precisely similar in form and language, except that Mr. Parker's certificate declares that he was duly elected on the 7th of June, 1858, while that of Mr. Peebles alleges that he was duly elected on the 25th of October, 1858.

Your committee are unable to determine from the certificates aforesaid, the only evidence before them, the rightfulness of the relative claims of the said Peebles and Parker to the office of Councilman for the county of Marion.

A. E. WAIT,
NATHANIEL FORD.

On motion of Mr. Mack,
The report was adopted.

On motion of Mr. Ford,
The Council adjourned to 10 o'clock to-morrow morning.

I certify that the foregoing is a full and true copy of the Journal of the Council of Oregon Territory, for Monday, December 6th, 1858, as approved by the Council.

N. HUBER,
Clerk of the Council.

TUESDAY, DECEMBER 7, 1858.

The Council met pursuant to adjournment.

On the call of the roll the following members answered to their names:

Messrs. Drain, Ford, Mack, Steward, and Wait—5.

Absent—Messrs. Berry and Cornelius.

The journal of yesterday was read and approved.

On motion of Mr. Ford,
The oath of office
Was administered by C. N. Terry,
A Notary Public,
To Messrs. Drain, Steward, and Mack,
Members elect.

On motion of Mr. Wait,
The Council proceeded to the election of officers:

Mr. Wait nominated Charles Drain for the office of President of the Council.

Messrs. Mack, Steward, and Wait voted for Mr. Drain—3;
And Messrs. Ford and Drain voted blank—2.
Mr. Drain,
Having received a majority of all the votes cast,
Was declared duly elected President of the Council.

The Council proceeded to the election of Chief Clerk:

Mr. Steward nominated Noah Huber,
Who received all the votes cast,
And was declared duly elected
Chief Clerk of the Council.

The Council proceeded to the election of Assistant Clerk:

Mr. Mack nominated William L. White.
William L. White,
Having received all the votes cast,
Was declared duly elected Assistant Clerk.

The Council then proceeded to the election of Enrolling Clerk:

Hugh H. Howard was put in nomination,
And received all the votes cast;
Thereupon he was declared duly elected Enrolling Clerk.

The Council proceeded to the election of Sergeant-at-Arms:

Mr. Steward nominated Daniel S. Herren,
Who received a unanimous vote,
And was declared duly elected Sergeant-at-Arms.

The Council then proceeded to the election of Door-Keeper:

Mr. Mack nominated James L. Steward,
Who received all the votes,
And was thereupon declared duly elected Door-Keeper.

On motion of Mr. Ford,
The oath of office was administered by
C. N. Terry, Notary Public,
To the President,
And several officers elect.

The following message was received from the House:

Mr. President: I am instructed by the House of Representatives to inform the Council that the House of Representatives have organized by the election of N. H. Gates, Speaker; James M. Pyle, Chief Clerk; H. W. Allen, Assistant Clerk; J. D. Porter, Enrolling Clerk; E. C. McLane, Sergeant-at-Arms; J. H. Brown, Door-Keeper; and are ready to proceed to legislative business.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Wait,
Ordered that
A committee of two
Be appointed
To report rules
For the government of
The Council.

The President appointed
Messrs. Wait and Mack, said committee.

On motion of Mr. Steward,
The rules of last session
Were adopted for
The temporary government of
The Council.

Mr. Wait introduced the following resolution:

Resolved, That the Clerk of the Council be, and he is hereby directed to inform the House of Representatives that the Council has duly organized by the election of the following officers, to wit:

Charles Drain, President;
Noah Huber, Chief Clerk;
W. L. White, Assistant Clerk;
H. H. Howard, Enrolling Clerk;
D. S. Herren, Sergeant-at-Arms;
James L. Steward, Door-Keeper;

And is now ready to proceed to business.

Which was,
On motion,
Adopted.

On motion of Mr. Ford,
Ordered that
A committee of two,
On joint rules,
Be appointed.

The President appointed
Messrs. Ford and Steward, said committee.

Mr. Mack offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to furnish each of the officers and members of the Council six copies of such newspapers published in the Territory, as officers and members may select.

On motion,

The resolution was adopted.

Mr. Wait introduced the following resolution:

C. J. R., No. 1.

Resolved by the Council, the House concurring, That a committee of two be appointed on the part of the Council, to act with a like committee on the part of the House, to wait upon His Excellency the Governor and inform him that the Legislative Assembly is duly organized, and ready to receive any communication he may be pleased to make.

Messrs. Wait and Steward were appointed said committee.

On motion of Mr. Steward,

The Council adjourned.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President announced

The following standing committees, viz

Judiciary.—Wait, Steward, and Mack.

Ways and Means.—Berry, Ford, and Steward.

Elections.—Mack, Steward, and Ford.

Claims.—Wells, Cornelius, and ———

Incorporations.—Cornelius, Wells, and Wait.

Counties.—Steward, Cornelius, and Berry.

Military.—Ford, Cornelius, and ———

Education.———, Steward, and Wells.

Engrossed Bills.—Mack, and Berry.

Roads and Highways.—Cornelius, Ford, and Steward.

Commerce.— ———, Wait and Wells.

Mr. Wait,

From the committee on rules for the government of the Council,

Made the following report:

The committee appointed to report rules for the government of the Council, respectfully report that they had the same under consideration, and recommend the adoption of the rules of the Council for the last session, amended as follows:

Amend rule 17th of said rules by striking out the words "twenty-five" in said rule, and inserting the word "fifty" in place of the words so stricken out.

Respectfully submitted,

A. E. WAIT,
J. W. MACK.

On motion of Mr. Ford,

The report,

With the amendment to the 17th rule,

Was adopted.

The rules, as reported and adopted, are as follows—to wit:

RULE 1. The President shall take the chair precisely at the hour to which the Council shall have previously adjourned, and, on the appearance of a quorum, shall call the Council to order, and cause the journal of the preceding day to be read; but a smaller number may adjourn from day to day, and compel the attendance of absent members, at any time after the hour has arrived to which the Council have adjourned may have a call of the Council, and have the names of the absentees entered upon the journal.

RULE 2. It shall be the duty of the President to preserve order and may speak on all questions of order in preference to any other member, rising from his seat for that purpose, and shall decide on all questions of order, subject to an appeal to the Council.

RULE 3. The question shall be put in this form: You who are of opinion (as the case may be,) say *aye*; of the contrary opinion, say *no*; and in doubtful cases the President may direct, or any member may call for a division.

RULE 4. Eleven standing committees, to consist of three members each, shall be appointed at the commencement of the session, viz: A committee on the judiciary, a committee on ways and means, a committee

on elections, a committee on claims, a committee on corporations, a committee on counties, a committee on military affairs, a committee on commerce, a committee on education, a committee on engrossed bills, and a committee on roads and highways; all committees shall be appointed by the President, unless otherwise desired by the Council, in which case they shall be appointed by ballot.

Rule 5. Every member, when a question is taken, shall vote, unless the Council, for special reason shall excuse him.

Rule 6. Every motion shall be reduced to writing, if the President or any member require it.

Rule 7. A motion to adjourn shall always be in order, unless a member is speaking, and shall be decided without debate; and no member shall leave his seat after a question of adjournment is put, until the same shall be declared to be a vote by the President.

Rule 8. When a member is about to speak, he shall rise and respectfully address himself to the President, and when a member is speaking, no member shall pass between him and the chair.

Rule 9. The President shall preserve decorum, and if any member transgress the rules of the Council, the President shall, or any member may, call to order, in which case the member called to order shall immediately sit down, unless permitted to explain, and the Council shall, if appealed to, decide the case.

Rule 10. No member shall speak more than twice on any one question without leave of the Council.

Rule 11. When a motion is made and seconded, it shall be stated by the President, or, being in writing, it shall be handed to the chair, and read aloud by the President or clerk before debated.

Rule 12. After a motion is stated by the President, or read aloud by the clerk, it shall be deemed to be be in possession of the Council, but may be withdrawn at any time before a decision or amendment, by consent of the Council.

Rule 13. While a question is before the Council, no motion shall be received unless to lie on the table, for amendment, for the previous question, or for postponing the main question, or to commit, or adjourn.

RULE 14. The previous question shall be put in these words: "Shall the main question be now put?" It shall be admitted only on the demand of two members, and sustained by a vote of two-thirds of the Council, and, until decided, shall preclude all amendment.

RULE 15. Any member may call for a division of the question when the same shall admit of it.

RULE 16. No committee shall sit during the sitting of the Council without special leave.

RULE 17. The first reading of a bill shall be for information, and if objection be made to it, the question shall be: "Shall the bill be rejected?" If no objection be made, or if the question to reject be lost, the bill shall go to its second reading without a question; and the clerk, upon the first reading, is hereby directed to have fifty copies of each bill, resolution, and report of select or standing committees printed.

RULE 18. Upon the second reading of a bill, the President shall state, "It is ready for commitment or engrossment;" and if committed, then the question shall be "Whether to a standing or select committee, or committee of the whole;" but if the bill be ordered to be engrossed, the Council shall appoint a day to be read a third time.

RULE 19. A bill, after commitment or report thereof, may be recommitted at any time before its passage.

RULE 20. In forming a committee of the whole, the President shall leave the chair, and may appoint any member as chairman to preside.

RULE 21. The President may at any time leave the chair, and call any member of the Council thereto, who shall be President of the Council for the time being; and the President shall at pleasure resume the chair; and if the person called to the chair object, and the President insist, the question shall be decided by the Council.

RULE 22. When any motion is made for amendment of any bill or resolution, the mover's name shall be inserted in the journal.

RULE 23. The rules of the proceedings of the Council shall be observed in the committee of the whole, so far as they may be applicable.

RULE 24. No member shall be permitted to vote on any subject in which he has a direct pecuniary interest.

RULE 25. No member in the minority of any vote declared shall have a right to move a reconsideration thereof.

RULE 26. No member shall call for the yeas and nays on any vote after the same shall have been declared to be a vote by the President.

RULE 27. When any petition, memorial or remonstrance is presented to the Council, the person presenting the same shall give a concise statement of the purport thereof, and it shall be disposed of according to its character, without reading, unless the reading thereof is required by two members.

RULE 28. No bill shall pass the Council until a third reading, nor shall any bill be read more than once in one day, unless otherwise directed by the Council.

RULE 29. If two or more members happen to rise at once, the President shall name the person who is to speak first.

RULE 30. No standing rule of the Council shall be revised or amended without one day's notice being given thereof.

RULE 31. No member shall absent himself from the service of the Council without leave is first obtained; and in case a less number than a quorum of the Council shall convene, they are hereby authorized to send the door-keeper, or any person or persons by them authorized, for any absent member or members, as a majority of such members present shall agree, at the expense of such absent member or members, respectively, unless such excuse for non-attendance shall be made as the Council, when a quorum is convened, shall deem sufficient.

RULE 32. It shall be the duty of the door-keeper to keep order in the lobby, and to obey orders of the Council from time to time.

RULE 33. It shall be the duty of the chief clerk to keep an exact journal of the proceedings of the Council, and he shall, from time to time, be subject to such further orders as the Council may direct.

RULE 34. No persons except the members of the House of Representatives, the clerk, the Governor, the Secretary of State, Judges of the supreme and circuit courts, Attorney General, and members of Congress, shall be admitted within the bar of the Council during the sittings of the same, unless invited by a member.

RULE 35. On the discussion of any business which may in the

opinion of a member require secrecy, the President shall order the lobby to be cleared, and during the discussion of each motion, the door shall remain shut, unless otherwise directed by the Council.

RULE 36. Any member voting in the minority on any question, and protesting against the vote of the Council, may have his protest entered on the journal, if the language and tenor of such protest would have been admissible in the discussion of the subject.

RULE 37. It shall be the duty of the President of the Council, on the final passage of every bill, to cause the ayes and nays to be taken.

RULE 38. The following method shall be the order or rule of doing business in the Council, to-wit:

1. Petitions, memorials and remonstrances.
2. Reports from standing committees.
3. Reports from select committees.
4. Propositions and motions.
5. Second reading of bills, &c.
6. Engrossed bills read a third time.
7. Bills, reports, and other business lying on the table.
8. Bills and other business from the House.
9. Other business of the Council.
10. The orders of the day.

On motion of Mr. Wait,

The subject of the contested seat of Messrs. Peebles and Parker

Was referred to the committee on elections.

On motion,

Council adjourned.

I certify that the foregoing is a full and correct copy of the Journal of the Council of Oregon Territory, for December 7, 1858, as approved by the Council.

N. HUBER,

Clerk of the Council.

WEDNESDAY, DECEMBER 8, 1858.

The Council met pursuant to adjournment.

On the call of the roll the following members answered to their names:

Messrs. Ford, Mack, Steward, Wait, and Mr. President—5.
Absent—Messrs. Berry, and Cornelius.

Journal of yesterday read and approved.

Mr. Mack introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure a clock, of a value of not more than twenty dollars, to be placed in the Council chamber, for the use of the Council, and paid for by the Secretary of the Territory out of the fund appropriated for the expense of the Legislative Assembly.

On motion of Mr. Steward,
The resolution was adopted.

The following message from the House, by Mr. Pyle, their Clerk, was received:

MR. PRESIDENT—*Sir*: I am instructed by the House of Representatives to inform the Council, that Messrs. Slater, of Benton, and Craner, of Linn, have been appointed a committee of two, to confer with a like committee of the Council, to draft joint rules and regulations for the government of both Houses.

JAMES M. PYLE, *Clerk.*

Mr. President, on leave, introduced the following resolution:

C. J. R. 2.

WHEREAS, The laws in this Territory have been so often amended, and each act so published at various times that many of the supervisors act under the repealed law—Therefore, to the end that the law may be published in pamphlet form,

Resolved by the Council, the House concurring, That there be a committee of one on the part of the Council, to act with a committee of two on the part of the House, to compile the laws relative to roads and highways, and offer such amendments as they may be pleased to make;

such amendments to be submitted as amendments seperate from the present law.

Mr. Ford moved to amend the resolution so as provide for a committee of two from the Council, and four on the part of the House.

The amendment was agreed to; and,

On motion of Mr. Mack,

The resolution was adopted.

On motion,

Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

Message from the House:

Mr. President:—I am directed by the House of Representatives to inform the Council that the House has concurred in C. J. R. 1, in regard to giving notice to His Excellency the Governor of the organization of the Legislative Assembly, &c., and the Speaker has appointed Messrs. T'Vault and Hedges a committee to act with the committee of the Council.

JAMES M. PYLE, *Clerk.*

On leave, the committee to wait upon the Governor retired, and after a short absence, Mr. Wait, from said committee, reported verbally, that they had discharged the duty assigned, and that His Excellency the Governor informed the committee that he should be happy to meet the Council and House, in joint convention, in the hall of the House of Representatives, at three o'clock this afternoon.

Message from the House:

Mr. President:—I am directed by the House of Representatives to inform the Council that an invitation is extended to the members and officers of the Council to sit within the House, at the hour of 3 o'clock, this afternoon, to hear the message of His Excellency, Geo. L. Curry, Governor of Oregon.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Wait,

The Council proceeded to the hall of the House of Representatives, and after the delivery of the message by the Governor, the Council returned to their chamber.

The President having resumed the chair,

On motion of Mr. Wait,

Ordered that one thousand (1000) copies of the message, and accompanying papers, be printed for the use of the Council.

On motion,

The Council adjourned.

I certify the foregoing to be a true copy of the Council journal for Wednesday, December 8, 1858, as approved by the Council, December 9.

N. HUBER, *Clerk.*

THURSDAY, DECEMBER 9, 1858.

The Council was called to order by the President, pursuant to adjournment.

Present—Messrs. Ford, Mack, Steward, Wait, and Mr. President—5.

Absent—Messrs. Berry, and Cornelius.

Journal of yesterday read and approved.

The President presented the petition of

M. E. Mulvany and Brothers,

Praying the right to locate a certain road.

On motion of Mr. Wait,

The petition was referred to

The committee on roads and highways.

Mr. Ford presented

The petition of Mrs. Nancy Judson,

Praying for a divorce from her husband.

On motion of Mr. Ford,

Ordered that the petition be referred to a select committee.

Messrs. Ford, Mack, and Steward were appointed such committee.

On motion of Mr. Mack,
The Council adjourned.

AFTERNOON SESSION.

The Council was called to order.

On motion of Mr. Steward,
The Council adjourned.

I certify the foregoing to be a true copy of the Journal of the Council of Oregon Territory, for Thursday, December 9, 1858, as approved.

N. HUBER, *Clerk.*

FRIDAY, DECEMBER 10, 1858.

Council convened pursuant to adjournment.

Present—Messrs. Ford, Steward, Wait, and Mr. President—4.

Absent—Messrs. Berry, Cornelius, and Mack.

No quorum present.

The President having announced the appearance of a quorum,
The Council proceeded to business.

Journal of yesterday was read and approved.

Mr. Steward presented the petition of Dillard Martin,
Praying a divorce from his wife,
Which was read; and,
On motion of Mr. Steward,
Referred to the committee on the judiciary.

Mr. Ford, from the committee on joint rules, reported the rules of last session and recommended their adoption.

On motion of Mr. Ford,

The report of the committee was adopted.

The joint rules, so adopted, are as follows—viz:

JOINT RULES.

1. While bills or joint resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their clerks respectively.

2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the clerk of the House where it originated shall endorse on the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled shall be first signed by the Speaker of the House of Representatives, who shall send the same to the Council, then by the President of the Council.

5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and President of the Council, in their Houses respectively, when in session, which shall be carefully noted on the journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In case of disagreement between the two Houses, after passing the usual formalities, each House shall appoint, at the request of the other, two members to act as a committee of conference, which committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

8. In all cases where the sergeant-at-arms of either House, by reason of official engagements, or other causes, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. When a message is sent to the Council or House of Representatives, it shall be announced at the door by the sergeant-at-arms or doorkeeper, and shall be respectfully communicated to the Chair by the person by whom sent.

10. Messages shall be sent by such officers of the Council or House as the President of the Council or the Speaker of the House of Representatives may designate for that purpose.

11. No bill which shall have passed one House shall be sent for concurrence to the other on either of the last two days of the session.

12. The President of the Council and the Speaker of the House shall cause the clerk of each House to number the bills and resolutions originating in their respective Houses.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that Messrs. Holton and Parker, on behalf of the House, have been appointed on the joint committee on enrolled bills.

JAMES M. PYLE, *Clerk.*

A further message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed the accompanying joint resolution, and transmit it to the Council for concurrence.

JAMES M. PYLE, *Clerk.*

H. J. R. 3, was read; and,
On motion of Mr. Mack,
The resolution was laid on the table.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has concurred in C. J. R. 2, and the Speaker has

appointed Messrs. Slater, T'Vault, Holmes, and Stevens, a joint committee to act with the committee of the Council, and take into consideration the said resolution.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Steward,

Ordered that fifty copies of the rules of the Council and joint rules be printed for the use of the Council.

The President announced

The appointment of Messrs. Mack and Steward,

On the committee on enrolled bills.

On motion of Mr. Mack,

Council adjourned.

AFTERNOON SESSION.

On motion of Mr. Mack,

H. J. R. 3, was taken up and adopted.

The President announced

Messrs. Steward and Ford a committee,

On the part of the Council,

Provided for in C. J. R. 2,

In reference to the compilation of road laws.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that C. J. R. 2, has been concurred in by the House.

Also, that H. J. R. 4, has been adopted by the House and sent to you for your concurrence.

JAMES M. PYLE, *Clerk.*

H. J. R. 4, was read; and,

On motion of Mr. Mack,

Adopted.

On motion of Mr. Ford,

The Council adjourned to Monday morning next, at 10 o'clock.

I certify the foregoing to be a true copy of the journal of the proceedings of the Council, for Friday, December 10, 1858, as approved by the Council, December 13, 1858.

N. HUBER, *Clerk.*

MONDAY, DECEMBER 13, 1858.

The President called the Council to order.

Present—Messrs. Mack, Steward, Wait, and Mr. President—4.

Absent—Messrs. Berry, Cornelius, and Ford.

No quorum present.

On motion of Mr. Mack,
Council adjourned to two o'clock this afternoon.

AFTERNOON SESSION.

Present—Members as this morning, and Mr. Cornelius.

Journal of Friday was read and approved.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House of Representatives have adopted the enclosed H. J. memorial, No. 2, and transmit the same for your concurrence.

JAMES M. PYLE, *Clerk.*

H. J. memorial 2,
For a tri-weekly mail route
From Portland to Yreka,
Read and
On motion of Mr. Wait,
Adopted.

On motion of Mr. Mack,
Council adjourned.

I certify the foregoing to be a true copy of the Journal of the proceedings of the Council, for Monday, December 13th, 1858, as approved by the Council.

N. HUBER, *Clerk.*

TUESDAY, DECEMBER 14, 1858.

The Council convened pursuant to adjournment.

Present—Messrs. Cornelius, Ford, Mack, Steward, Wait, and Mr. President—6.

Absent—Mr. Berry.

Journal of yesterday read and approved.

Mr. President introduced a bill, C. B. 1;
A bill authorizing Newton E. Mulvany and others,
To locate and open private roads,
To his saw-mill, on Pass creek.
Read a first time, and
Ordered to be printed.

The following message was received from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House has passed H. B. 1, entitled "An act to recover possession of a mining claim and water ditch;" and H. B. 3, entitled "An act for the relief of D. W. Douthit and William McMillen," which are herewith transmitted for your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 1,
An act to recover possession of a mining claim and water ditch,
Was read a first time,
And passed to a second reading.

H. B. 3,
Entitled an act for the

Relief of D. W. Douthit and Wm. McMillen,
Was read a first time,
And passed to a second reading.

A further message from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House has passed the accompanying House joint resolution six, and herewith transmit the same for your concurrence.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Wait,
The Council concurred in H. J. R. 6.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform you that the House has adopted the accompanying H. J. R. 5, and the same is herewith transmitted for your concurrence.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Ford,
The Council concurred in the adoption of H. J. R. 5.

Mr. Wait, from the judiciary committee,
On leave, reported by bill, C. B. 2,
An act to change the practice,
And fix the time for the holding of Courts;
Which was read a first time,
And ordered printed.
On motion of Mr. Mack,
The Council adjourned.

AFTERNOON SESSION.

Council called to order.

Message from the House:

Mr. President:—I am directed by the Speaker to inform you that the House of Representatives has passed the accompanying bills—H. B. 2, and H. B. 3—and they are herewith transmitted for your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 2,
An act to incorporate
Friendship Lodge No. 6, I. O. O. F.,
Was read the first time.

H. B. 5,
A bill for the incorporation of cemetery associations,
Was read a first time.

Mr. Mack introduced the following C. J. R. 3:

Resolved by the Council, the House concurring, That when the two Houses adjourn on Monday next, December 20th, 1858, they adjourn until Monday, January 3d, 1859.

On motion of Mr. Mack,
The resolution was adopted.

On motion of Mr. Mack,
The Council adjourned.

I hereby certify the foregoing to be a true copy of the Council journal for Tuesday, December 14th, as approved by the Council.

N. HUBER, *Clerk.*

WEDNESDAY, DECEMBER 15, 1858.

Council met pursuant to adjournment.

Present—Messrs. Cornelius, Ford, Mack, Steward, Wait, and Mr. President—6.

Absent—Mr. Berry.

The journal of Tuesday was read and approved.

Mr. Steward, from the committee on elections, made a report on the matter of the contested seat between Messrs. Peebles and Parker, setting forth the points and accompanied by the evidence in the case; and that, in the opinion of the committee, Samuel Parker was duly elected

Councilman at the June election, 1858, and is entitled to his seat as such.

[For report and testimony, see appendix.]

Mr. Cornelius moved

The adoption of the report of the committee;

Pending which,

On motion of Mr. Steward,

The Council adjourned.

AFTERNOON SESSION.

The President announced

That when the Council took a recess,

The motion pending was on the adoption of the

Report of the committee on elections

In relation to the contested seat.

The yeas and nays being ordered

On the question of adoption,

Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Steward, and Mr. President—5.

Nay—Mr. Wait—1.

So the report was adopted.

On motion of Mr. Ford,

Mr. Parker was invited within the bar,

And the oath of office administered by

The President of the Council

To Mr. Parker, as Councilman for the county of Marion.

Mr. Mack gave notice,

That on to morrow, or some subsequent day,

He would introduce a bill

To amend the act regulating elections, and the supplying of vacancies.

H. B. 1,

An act to recover possession of a mining claim and water ditch,

Read a second time, and

On motion of Mr. Wait,

The rules were suspended,

And the bill read a third time.

The question being on the passage of the bill,

Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Steward, Wait, and Mr. President—6.

Nays—None.

So the bill passed.

H. B. 2,

To incorporate Friendship Lodge No. 6, I. O. O. F.

Was read a second time.

Mr. Steward offered the following amendment to the bill:

Strike out section 2 and insert the following:

"Sec. 2. That there shall be elected annually, at their last meeting in December, three trustees of said corporation."

On motion of Mr. Cornelius,

The amendment was adopted; and,

On motion of Mr. Mack,

The rules were suspended,

The bill read a third time.

The question being on the passage of the bill,

Resulted as follows:

Yeas—Cornelius, Ford, Mack, Parker, Steward, Wait and Mr. President—7.

Nays—None.

So the bill passed.

H. B. 5,

A bill for the incorporation of cemetery associations.

Read a second time;

On motion,

The rules were suspended,
And the bill read a third time.
The question then being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Nays—None.

So the bill passed.

H. B. 3,
A bill for the
Relief of D. W. Douthit and Wm. McMillen,
Was read a second time; and,
On motion of Mr. Mack,
Referred to committee on claims.

On motion of Mr. Cornelius,
Ordered that two hundred (200) copies of
The report of the committee, and accompanying papers,
On the contested seat,
Be printed for the use of the Council.

Mr. Steward, on leave,
Presented the annual report of
The University Land Commissioners;
Which was read, and
On motion of Mr. Wait,
Ordered that fifty (50) copies be printed.
[See appendix.]

The President announced the filling of the blanks
In the list of standing committees,
By inserting the name of Mr. Parker.

On motion of Mr. Mack,
The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Wednesday, December 15, 1858, as approved by the Council.

N. HUBER, *Clerk.*

THURSDAY, December 16, 1858.

Council called to order by the President, pursuant to adjournment.

Present—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Absent—Mr. Berry.

Journal of yesterday read and approved.

Mr. Wait introduced a bill:
C. B. 3,
A bill for the relief of Roberts & Shartle,
Which was read the first time, and
On motion of Mr. Wait,
The rules were suspended,
And the bill read a second time.

On motion of Mr. Mack,
C. B. 3, was referred to
The committee on claims.

Mr. Cornelius introduced a bill:
C. B. 4,
A bill to amend and act,
Entitled "An act to
Incorporate the Willamette Falls Railroad Company."
Which was read the first time.
On motion of Mr. Wait,
The rules were suspended, and
The bill read a second time.

On motion of Mr. Wait,
The rules were further suspended, and
C. B. 3,
Read the third time.
The question then being on the passage of the bill,
Resulted as follows:

Nay—Mr. President—1.

So the bill passed.

Mr. Cornelius gave notice,
That on to-morrow, or some subsequent day,
He would introduce a bill
To amend the stray laws.

On motion of Mr. Mack,
The Council adjourned.

AFTERNOON SESSION.

Mr. Wait, from the committee on the judiciary,
To whom was referred
The petition of Dillard Martin, for divorce,
Reported by bill, without recommendation.

C. B 5,
To divorce Dillard Martin and Miriam Martin,
Read the first time, and
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Steward,
C. B. 5, was considered engrossed, and
Ordered to be read a third time to-morrow.

Mr. Steward, on leave,
Introduced a bill:

C. B. 6,
An act to incorporate
The Yamhill Water Lock and Transportation Company;
Which was read the first time, and
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Steward,
Referred to the committee on the judiciary.

Message received from the House:

Mr. President:—I am directed by the Speaker to inform you that the House of Representatives has passed the accompanying H. J. M. 1, for a military road from some point on the Scottsburg military road to Fort Boise; and transmit the same for your concurrence.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Mack,

The Council concurred in the adoption of the memorial.

Mr. Cornelius, on leave,

From the committee on claims,

Reported back the bill for

The relief of Roberts & Shartle,

With a recommendation that it do pass.

On motion of Mr. Wait,

The rules were suspended, and

C. B. 3,

For the relief of Roberts & Shartle,

Was read a third time.

The question being on the passage of the bill,

Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Nays—None.

So the bill passed.

On motion of Mr. Mack,

The Council adjourned.

I certify the foregoing to be a true copy of the Journal of the Council, for Thursday, December 16th, 1858, as approved by the Council.

NEHUBER, *Clerk.*

FRIDAY, DECEMBER 17, 1858.

Council met pursuant to adjournment.

Present—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Mr. Wait, from the judiciary committee,
To whom had been referred C. B. 6,
A bill to incorporate
The Yamhill Water Lock and Transportation Company,
Reported the same back, without amendment,
Recommending its passage.

On motion of Mr. Wait,
The bill, C. B. 6,
Was read a third time, and
The question being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Parker, Steward, Wait, and Mr. President—6.

Nays—None.

So the bill passed.

Mr. Cornelius, from the committee on claims,
Reported back H. B. 3, without recommendation.

On motion of Mr. Cornelius,
H. B. 3,
A bill for the
Relief of D. W. Douthit and Wm. McMillen,
Was committed to the committee of the whole.

C. B. 5,
A bill to divorce Dillard Martin and Miriam Martin,
Was read the third time, and
Passed by the following vote:

Messrs. Cornelius, Parker, Steward, and Mr. President—4.

Nays—Messrs. Ford, and Wait—2.

Mr. Parker presented
The annual report of the Teritorial Treasurer; which,
On motion of Mr. Wait,
Was laid on the table, and
One hundred copies ordered to be printed.

On motion of Mr. Cornelius,
The Council resolved itself into

COMMITTEE OF THE WHOLE

On the business thereto referred,
Mr. Steward in the chair.

After some time spent therein,
The committee rose, and through their chairman
Reported that they have had under consideration
H. B. 3, for the
Relief of D. W. Doutbit and W. McMillen, and
Report the same back, without amendment,
Recommending its passage.

On motion,
The report was adopted.

On motion of Mr. Cornelius,
The bill was read a third time, and
The question being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Steward, Wait, and Mr. President—6.

Nay—Mr. Parker—1.

So the bill passed.

On motion of Mr. Mack,
The Council adjourned.

AFTERNOON SESSION.

Council called to order.

Mr. Parker, on leave,
Presented the annual report of the Territorial Auditor.

On motion of Mr. Parker,
Ordered that the report be laid on the table,
And five hundred copies printed for the use of the Council.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House of Representatives have adopted

C. J. R. 3,

With accompanying amendments, and return the same for your concurrence.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Wait,
The House amendment to C. J. R. 3,
Was amended by striking out "Friday, 24th," and
Inserting Wednesday, 22d instant.

On motion of Mr. Wait,
C. B. 2,
To change the practice, and fix the times for the holding of courts,
Was taken up and read a second time.
On motion of Mr. Wait,
The rules were suspended, and
The bill read the third time,
The question then being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Nays—None.

So the bill passed.

That the Council adjourn.

Which motion was disagreed to.

On motion of Mr. Wait,

The Council adjourned.

I hereby certify that the foregoing is a true copy of the Journal of the Council, as approved for Friday, December 17, 1858.

N. HUBER, *Clerk.*

SATURDAY, DECEMBER 18, 1858.

Council convened pursuant to adjournment.

Present—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Journal for yesterday read and approved.

C. B. 1,

A bill authorizing N. E. Mulvany, and others, to locate and open private roads to his saw-mill on Pass creek,

Was read a second time, and

On motion of Mr. Cornelius,

Referred to the committee on roads and highways.

Mr. Parker presented

The annual report of the Territorial Librarian.

On motion of Mr. Wait,

Ordered that one hundred copies

Be printed for the use of the Council.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House of Representatives has passed

H. B. 6,

And herewith transmit the same for your concurrence.

JAMES

H. B. 6,

A bill to change the name of Kirbyville, in Josephine county,

Was read the first time.

On motion of Mr. Wait,

The rules were suspended,

The bill read a second time, and

On motion of Mr. Wait,

The rules were further suspended,

The bill read the third time.

The question then being on the passage of the bill,

Resulted as follows:

Yeas—Messrs. Ford, Mack, Parker, Steward, and Wait—5.

Nays—Mr. Cornelius, and Mr. President—2.

So the bill passed.

On motion of Mr. Wait,

The Council adjourned.

AFTERNOON SESSION.

The Council was called to order by the President, pursuant to adjournment.

The following message was received from the House:

Mr. President:—I am instructed by the Speaker to inform you that the House of Representatives has adopted the accompanying

H. J. R. 10,

In reference to a "Charter for a Pacific Railroad," and transmit the same for your concurrence.

The Speaker has appointed Messrs. Chapman, T'Vault, Craner, Jennings, and Slater as a committee, required by said resolution, on the part of the House.

JAMES M. PYLE, *Clerk.*

Mr. Wait moved

That the Council concur in the adoption of the resolution.

Agreed to.

Mr. President appointed on the part of the Council,
Messrs. Wait, Steward, and Cornelius,
The committee provided for in H. J. R. 10.

Mr. Cornelius, from the committee on roads and highways,
On leave, reported back C. B. 1,
A bill authorizing Newton E. Mulvany, and others, to locate and open private roads to his saw-mill, on Pass creek,
Without recommendation.

On motion of Mr. Cornelius,
The bill, and accompanying petition, were
Laid on the table.

On motion of Mr. Wait,
The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Saturday, December 18, 1858, as approved by the Council.

N. HUBER, *Clerk.*

MONDAY, DECEMBER 20, 1858.

Council convened pursuant to adjournment.

Present—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

The journal of Saturday, 18th instant, was read and approved.

Mr. Wait presented
The petition of George H. Flanders, and 94 others,
Citizens and business firms, of the city of Portland,
Praying that a charter may be granted Henry D. Green, authorizing him to establish a gas manufactory in said city.

On motion of Mr. Wait,
The petition, and accompanying papers, were
Referred to the committee on incorporations.

Mr. Mack presented

A petition from Benjamin Taylor, and others,

Praying that a charter be granted to said Benjamin Taylor

To construct and keep in repair a wagon road across the Cascade Mountains, from Philip Foster's, in Clackamas county, to the Dalles, in Wasco county, for the term of five years.

On motion of Mr. Mack,

The petition was referred to the committee on incorporations.

Mr. Cornelius, pursuant to previous notice,

Introduced a bill,

C. B. 7,

An act to amend "An act relating to estrays and property, lost or unclaimed," which was

Read the first time, and

Ordered to be printed.

On motion of Mr. Mack,

Council adjourned.

AFTERNOON SESSION.

Council called to order, pursuant to adjournment.

Mr. Wait introduced the following resolution:

C. J. R. 4,

Resolved by the Council, the House concurring, That the growing interests of the town of Dalles, and the long residence of American citizens in portions of the country east of the Cascade Mountains, together with the recent rapid settlement of that country, require the earliest possible extension of the Government surveys over that portion of Oregon Territory; and therefore, and for other good reasons, our delegation in Congress is hereby requested to urge a liberal appropriation by Congress, at as early a day as practicable, to enable the Surveyor General of Oregon Territory to extend the Government surveys over that portion of the Territory lying east of said Mountains.

On motion of Mr. Ford,

The resolution was adopted.

Mr. Cornelius, on leave,
From the committee on corporations,
To whom had been referred
The petition of Geo. H. Flanders, and others,
Reported by bill, C. B. 8.

A bill to be entitled
An act to authorize Henry D. Green to establish a gas manufactory in the city of Portland, Multnomah county, Oregon Territory;
Which was read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Cornelius,
The rules were further suspended,
And the bill read the third time.
The question then being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Nays—None.

So the bill passed.

On motion of Mr. Wait,
The Council adjourned.

I hereby certify the foregoing to be a true copy of the Journal of the Council, as approved, for Monday, December 20th, 1858.

N. HUBER, *Clerk.*

TUESDAY, DECEMBER 21, 1858.

Council convened pursuant to adjournment.

Present—Messrs. Ford, Mack, Parker, Steward, Wait, and Mr. President—6.

Absent—Messrs. Berry, and Cornelius—2.

Journal of yesterday was read and approved.

O. R. 7,

To amend an act relating to estrays, and to property lost and unclaimed, was

Read a second time.

On motion of Mr. Mack,

The bill was committed to

The committee on ways and means.

On motion of Mr. Wait,

The Council adjourned.

AFTERNOON SESSION.

The President called the Council to order, pursuant to adjournment.

Mr. Mack moved a call of the House.

Present—Messrs. Ford, Mack, Wait, and Mr. President—4.

Absent—Messrs. Berry, Cornelius, Parker, and Steward—4.

The Sergeant-at-Arms was dispatched for the absentees.

A quorum appearing, all further proceedings under the call were dispensed with.

The following message was received from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House of Representatives has adopted the accompanying

H. J. R. 11,

And transmit the same for your concurrence.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Wait,

The Council concurred in the adoption of the resolution,

Which is as follows:

H. J. R. 11,

Resolved by the House, the Council concurring, That when the Legislative Assembly adjourn this evening, the 21st of December instant, it do adjourn until Monday, 3d of January, 1859.

On motion of Mr. Mack,

The Council adjourned, under the provisions of the foregoing resolution, to the third day of January next, the journal of proceedings for this day having been first read and approved.

I hereby certify that the foregoing is a true copy of the journal of proceedings of the Council for Tuesday, December 21, 1858, as approved by the Council.

N. HUBBE, Clerk.

MONDAY, JANUARY 3, 1859.

The Council was called to order by the President, at ten o'clock this morning, pursuant to previous adjournment.

Present—Messrs. Berry, Mack, Wait, and Mr. President—4.

Absent—Messrs. Cornelius, Ford, Parker, and Steward—4.

No quorum present.

On motion of Mr. Wait,

The Council adjourned to the hour of two o'clock this afternoon.

AFTERNOON SESSION.

The Council convened in pursuance to adjournment.

In addition to the members present this morning, Messrs. Cornelius Ford, and Parker appeared in their seats.

The following message was received from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has adopted

C. J. R. 4,

In reference to "Surveys east of the Cascade Range," and herewith transmit the same for enrollment.

JAMES MCPHEE, Clerk.

A further message from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House of Representatives have passed the accompanying House bills:

H. B. 11,

To extend the charter of the Illinois Wagon Road Company.

H. B. 15,

Creating a redemption fund for Jackson county; and

H. B. 38,

To incorporate the Williams Creek Water Ditch Company.

And transmit the same, and ask your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 11,

A bill to extend the charter of the Illinois Valley Wagon Road Company,

Was read the first time.

H. B. 15,

To authorize the board of county commissioners of Jackson county to levy a special tax, and create a redemption fund, for the payment of county indebtedness,

Was read the first time.

H. B. 38,

A bill to incorporate the Williams Creek Water Ditch Company,

Was read the first time.

Mr. Mack, by unanimous consent,

Presented the petition of L. W. Hinton, and others,

Praying the passage of an act declaring a portion of Long Tom river a navigable stream;

And accompanied the same by bill, to wit:

C. B. 9,

A bill to declare navigable the lower portion of Long Tom river.

The bill was read the first time; and

On motion of Mr. Mack,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Mack,

The bill, C. B. 9, was considered engrossed, and

Ordered to a third reading on to-morrow.

Mr. Mack, by unanimous leave,

Presented the petition of John Roberts, and others,

Praying for the passage of

An act making certain amendments to the license law, making the same applicable to Lane county.

Mr. Mack moved

To refer the petition to

The committee on the judiciary;

Which was agreed to.

On motion of Mr. Mack,

The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the proceedings of the Council, as approved, for Monday, January 3, 1859.

N. HUBER, *Clerk.*

TUESDAY, JANUARY 4, 1859.

The Council convened at ten o'clock, in pursuance to adjournment.

Present—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

The journal of yesterday was read and approved.

Mr. Wait presented

The petition of W. A. Goulder, and 35 others,

Citizens of Yamhill county,

Praying the passage of

An act to attach a portion of Yamhill county to the county of Clackamas;

Which was read, and

On motion of Mr. Wait,

Referred to the committee on counties.

Mr. Mack presented
The petition of Melissa J. Thompson,
Praying for a divorce from her husband, Geo. W. Thompson,
Accompanied by a bill for that purpose.
The petition was read.
Also, C. B. 10,
A bill for the relief of Melissa J. Thompson,
Was read the first time, and
On motion of Mr. Ford,
The bill and petition were
Referred to the committee on the judiciary.

Mr. Mack presented
The petition of Martin Woodcock, and others,
Praying the location of a territorial road from Monroe, in Benton county, to Smithfield, in Lane county,
Accompanied by a bill for that purpose.
The petition was read.
Also, C. B. 11,
A bill to locate a territorial road from Monroe to Smithfield,
Was read the first time, and
On motion of Mr. Mack,
The bill and petition were referred to
The committee on roads and highways.

Mr. Berry presented
The petition of Sarah Ann Smith,
Praying a divorce from her husband, Irwin M. Smith;
Also, the accompanying statements of
O. D. Hoxie, and numerous others,
Which were read.
Mr. Berry moved to refer the same to
The committee on the judiciary;
Which was disagreed to.
Mr. Parker moved to refer the petition to
The committee on ways and means;
Which was agreed to.
Mr. Mack presented
The petition of R. R. Eubank, and others,
Praying the passage of

An act to change a part of the territorial road from Vandines to Eugene City,

Accompanying the same by a bill for that purpose.

The petition was read, and

Also, C. B. 12,

A bill to relocate a part of the territorial road from Vandines to Eugene city, was

Read the first time, and

On motion of Mr. Mack,

The bill and accompanying petition were

Referred to the committee on roads and highways.

H. B. 11,

A bill to extend the charter of the Illinois Valley Wagon Road Company, was

Read a second time, and

On motion of Mr. Mack,

The rules were suspended, and

The bill read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

So the bill passed.

H. B. 15,

A bill to authorize the board of county commissioners of Jackson county to levy a special tax, and create a redemption fund, for the payment of county indebtedness; was,

Was read a second time, and

On motion of Mr. Wait,

The bill was referred to

The committee on ways and means.

H. B. 38,

A bill to incorporate the Williams Creek Water Ditch Company, was

Read a second time, and

On motion of Mr. Berry,

Referred to the committee on incorporations.

C. B. 9,

A bill to declare navigable the lower portion of Long Tom river, was

Read the third time, and

The question being, shall the bill pass?

Resulted in the affirmative, by the following vote, to wit:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

So the President announced the bill as having passed.

Mr. Cornelius introduced a bill:

C. B. 13,

An act for the relief of school district No. 36, of Washington county; which was

Read the first time.

Mr. Berry introduced a bill:

C. B. 14,

A bill to legalize the act of the board of county commissioners of Jackson county, in locating a road from Jacksonville to John Patterson's, in said county; which was

Read the first time.

On motion of Mr. Mack,

The Council adjourned.

AFTERNOON SESSION.

Mr. President, on leave,

Presented the petition of A. Kees, and 19 others,

Praying the vacation of a portion of the territorial road leading from Oregon city to Jacob Spores'

Accompanied by a bill for that purpose:

C. B. 15,

A bill to vacate a part of a territorial road, was

Read the first time; and

On motion of Mr. Parker,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Parker,

The bill, C. B. 15, was

Referred to the committee on roads and highways.

Mr. Cornelius, by unanimous consent,

Introduced a bill,

C. B. 16,

An act for the relief of Granville C. Rider; which was

Read the first time.

On motion of Mr. Parker,

The Council adjourned.

I hereby certify the foregoing to be a true copy of the Journal of the Council, for January 4, 1859, as approved.

N. HUBER, *Clerk.*

WEDNESDAY, JANUARY 5, 1859.

The Council convened pursuant to adjournment.

Members all present.

Journal of yesterday was read and approved.

Mr. Berry, from the committee on ways and means,

To whom was referred H. B. 15,

An act to authorize the board of county commissioners of Jackson county to levy a special tax, and create a redemption fund, for the payment of county indebtedness;

Reported the same back,

With a recommendation that it do pass.

The bill was read the third time, and

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Wait—7.

Nay—Mr. President—1.

So the bill was declared passed.

Mr. Berry, from the committee on ways and means,
To whom had been referred
The petition of Sarah Ann Smith,
Praying a divorce;
Reported by bill
C. B. 17,
An act to grant Ann Smith a divorce, which was
Read the first time.

C. B. 13,
An act for the relief of school district No. 36, of Washington county;
Was read a second time; and
On motion of Mr. Cornelius,
The bill was ordered engrossed, and
Read a third time to-morrow.

C. B. 14,
A bill to legalize the act of the board of county commissioners of Jackson county, in laying out a county road from Jacksonville to John Patterson's, in said county; was
Read a second time, and
On motion of Mr. Berry,
Ordered that the bill be engrossed, and
Read a third time to-morrow.

C. B. 16,
An act for the relief of Granville C. Rider, of Washington county;
Was read a second time, and
On motion of Mr. Cornelius,
Ordered to be engrossed, and
Read a third time on to-morrow.

AFTERNOON SESSION.

Mr. Cornelius, from the committee on corporations,
Reported H. B. 38,
A bill to incorporate the Williams Creek Water Ditch Company,
With two amendments,
With a recommendation that the same pass.

The amendments are as follows:

Amend by striking out section 2, and by inserting in lieu thereof as follows, to wit:

"Sec. 2. Each stockholder in the company hereby created shall be individually liable for all debts of the said company to the extent of the stock therein owned by him."

Also, amend section 3, by inserting the words "per day", after the word "cents," in said section.

On motion of Mr. Cornelius,

The amendments were severally adopted.

On motion of Mr. Wait,

The rules were suspended, and

The bill, H. B. 38, was

Read the third time.

The question then being, shall the bill pass?

Was decided in the affirmative, as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Wait—6.

Nays—Mr. Parker, and Mr. President—2.

So the bill passed.

Mr. Cornelius moved

A reconsideration of the vote by which

C. B. 16, was ordered to be engrossed, and

Read a third time to-morrow;

Which was agreed to.

On motion of Mr. Cornelius,

The bill, C. B. 16, was referred to

The committee on education.

Mr. Steward, from the joint committee

To whom had been referred the subject of

The compilation and publication of the road laws,

Reported that a bill,

Embracing amendments to existing laws,

Had been adopted by the committee, and submitted to the House,

Recommending the passage of the bill,

And that one thousand copies be

Ordered published for distribution.

On motion of Mr. Cornelius,

The report was adopted.

Mr. Cornelius, from the committee on roads and highways,
By unanimous consent, made the following report:

Mr. President:—The committee on roads and highways, to whom was referred C. B. No. 11, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

Also, C. B. 12, and report the same back without amendment, and recommend its passage.

We have also had under consideration C. B. 15, and report the same back, with an amendment, and recommend its passage.

T. R. CORNELIUS,
Chm'n Com. on Roads and Highways.

The amendment to C. B. 15,
Referred to in the foregoing report,
Is as follows:

"Sec. 2. This act to take effect and be in force from and after its passage."

On motion of Mr. Wait,
The amendment was adopted.

On motion, it was
Ordered that C. B. 15, be engrossed, and
Read a third time on to-morrow.

On motion of Mr. Mack,
The rules were suspended, and
C. B. 11,
A bill to locate a territorial road from
T., to intersect the territorial road
Smithfield, Lane county, Oregon Territor
Read a second time, and
Ordered engrossed, and
Read the third time on to-morrow.

On motion of Mr. Mack,
The rules were suspended, and
C. B. 12,
A bill to change a part of the territorial road from Vandine to Eugene city, was

Read a second time, and
Ordered engrossed, and to be
Read a third time on to-morrow.

On motion of Mr. Mack,
The Council adjourned.

I hereby certify that the foregoing is a true copy of the journal of the Council for Wednesday, January 5, 1859, as approved by the Council.

N. HUBER, *Clerk.*

THURSDAY, JANUARY 6, 1859.

The Council convened in pursuance to adjournment.

Members all present.

The journal of yesterday was read and approved.

Mr. Parker presented
The remonstrance of Lewis H. Judson,
Remonstrating against granting
A divorce to his wife, Mrs. Nancy Judson;
Which was referred to the select committee
To whom had been committed
The petition of the said Nancy Judson.

Mr. Wait, from the committee on the judiciary,
To whom had been referred
C. B. 10,
A bill for the relief of Melissa J. Thompson,
Reported the same back,
With a recommendation that it do pass.

Mr. Berry, from the committee on ways and means,
To whom had been referred
C. B. 7,
A bill to amend an act relating to estrays, and to property lost or unclaimed;

Reported the same back, without amendment,
Recommending its passage.

Mr. Mack, from the committee on engrossed bills,
Reported Council bills 13, 14, 11, and 12,
As correctly engrossed.

C. B. 13,
An act for the relief of school district No. 36, of Washington county;
Was read the third time.
The question then being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

So the bill passed.

C. B. 14,
A bill to legalize the act of the board of county commissioners of Jackson county, in laying out a county road from Jacksonville to John Patterson's, in said county; was
Read the third time.
The question then being on the passage of the bill,
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

So the bill passed.

C. B. 11,
A bill to locate a territorial road from Monroe, in Benton county, O. T., to intersect the territorial road from Corvallis to Winchester, near Smithfield, Lane county, Oregon Territory; was
Read the third time, and
Passed by the following vote, to wit:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

The President then announced the bill passed.

C. B. 12,

A bill to change a part of the territorial road from Vandine to Eugene city; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

So the bill passed.

C. B. 10,

A bill for the relief of Melissa J. Thompson; was

Read a second time, and

On motion of Mr. Mack,

The rules were suspended, and

The bill read the third time.

The question then being on the passage of the bill,

Was decided in the affirmative, by the following vote:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Wait—7.

Nay—Mr. President—1.

And so the President declared the bill passed.

C. B. 7,

A bill to amend "An act relating to estrays and property, lost or unclaimed," was

Read a second time; and

On motion of Mr. Cornelius,

Ordered engrossed, and

Read a third time on to-morrow.

The following message was received from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House of Representatives has adopted the accompanying

H. J. R. 13,

In reference to the establishing of two additional land offices in Oregon, and transmit the same, requesting your concurrence.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Ford,
The Council concurred in
The adoption of the resolution,
H. J. R. 13.

Mr. Wait, by unanimous consent,
Introduced a bill:
C. B. 18,
A bill to legalize a certain territorial road leading from Clackamas bridge, in Clackamas county, to some point on the Willamette river, opposite the city of Portland, in the county of Multnomah; which
Was read the first time, and
On motion of Mr. Parker,
The rules were suspended; and
The bill read a second time.
On motion of Mr. Wait,
The bill was referred to
The commiitee on roads and highways.

Mr. Mack moved
That C. B. 1, be taken from the table;
Which was agreed to.

On motion of Mr. Mack,
C. B. 1,
A bill authorizing Newton E. Mulvany, and others, to locate and open private roads to his saw-mill, on Pass creek; was
Read the third time.
The question being, shall the bill pass?
Was decided in the negative by the following vote:

Yeas—Messrs. Berry, Mack, Wait, and Mr. President—4.
Nays—Messrs. Cornelius, Ford, Parker, and Steward—4.

Message received from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House of Representatives has passed the accompanying bill:

H. B. 12,
Re-locating the seat of government, and request your concurrence.
JAMES M. PYLE, *Clerk.*

H. B. 12,
A bill to re-locate the seat of government of Oregon Territory, was
Read the first time.

On motion of Mr. Mack,
The Council adjourned.

AFTERNOON SESSION.

Mr. Parker, by unanimous consent,
Presented the petition of Veronica Wilson,
Praying to be divorced from her husband, H. W. Wilson.
Also, C. B. 19,
An act to divorce Veronica Wilson from H. W. Wilson; which
Was read the first time.

On motion of Mr. Parker,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Cornelius,
The bill, C. B. 19, was
Referred to the committee on the judiciary.

Mr. Steward, from the committee on education,
To whom had been referred C. B. 16,
By unanimous consent,
Reported the same back,
Without amendment,
Recommending its passage.

On motion of Mr. Steward,
C. B. 16,
An act for the relief of Granville C. Rider, of Washington county,
Was read the third time.
The question being, shall the bill pass?
Was decided in the affirmative, as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

And the President declared the bill passed.

On motion of Mr. Mack,

The Council adjourned.

I hereby certify the foregoing to be a true copy of the Journal of the Council for Thursday, January 6, 1859, as approved by the Council.

N. HUBER, *Clerk.*

FRIDAY, JANUARY 7, 1859.

The Council convened pursuant to adjournment.

Present—Messrs. Berry, Cornelius, Ford, Parker, Steward, Wait, and Mr. President—7.

Absent—Mr. Mack—1.

The journal of yesterday was read and approved.

Mr. Wait, from the committee on the judiciary,

To whom had been referred

C. B. 19,

An act to divorce Veronica Wilson from H. W. Wilson,

Reported the same back,

Without amendment,

Recommending its passage.

Mr. Cornelius, from the committee on corporations,

To whom had been referred

The petition of Benjamin Taylor, and others,

Praying for a charter to construct a wagon road across the Cascade Mountains,

Reported adversely to the prayer of the petitioners.

On motion,

The report of the committee was adopted.

Mr. Cornelius, from the committee on roads and highways,

Reported back C. B. 18,

A bill to legalize a certain territorial road leading from Clackamas bridge, in Clackamas county, to some point on the Willamette river opposite the city of Portland, in the county of Multnomah;

With the following amendments, to wit:

Amend the title of the bill by striking out the words "some point," also the word "opposite," where the same first occurs therein, and by inserting the words "the lower ferry landing," in the place of the words so first stricken out.

Amend also, by inserting "Sec. 1," before the words "Be it enacted."

Amend also, by inserting after the word "located," in section 1, as follows, to wit: "In whole or in part."

Amend also, by adding at the end of section 1, as follows, to wit: "And declared a legal territorial road."

On motion of Mr. Wait,

The amendments were severally adopted.

On motion of Mr. Wait,

Ordered that the bill be engrossed, and

Read a third time to-morrow.

C. B. 17,

An act to grant Ann Smith a divorce;

Read a second time.

Mr. Berry moved

To amend the bill by inserting before the word "Ann," the word "Sarah," wherever the word "Sarah" is omitted in the title or body of the bill before the word "Ann."

Which amendment was agreed to.

On motion of Mr. Berry,

Ordered that the bill be engrossed, and

Read a third time on to-morrow.

H. B. 12,

A bill to re-locate the seat of government of Oregon Territory,

Read a second time.

Mr. Mack moved

That the bill be ordered to a third reading on to-morrow;

Which was disagreed to.

Mr. Wait offered

The following amendments, to wit:

Amend by striking out section 2 of said bill, and inserting the following, to stand in place of the section so stricken out, to wit:

"Section 2. That until a permanent seat of government for Oregon Territory shall be established, as hereinafter provided, all sessions of the Legislative Assembly shall be held at ———, in the county of ———, and said ——— is hereby constituted the temporary seat of government of said Territory."

Mr. Cornelius moved

To amend the amendment by inserting the word "Portland" in the first blank; which motion was, on leave, subsequently withdrawn.

The question then being on

The motion to adopt the amendment,

The same was disagreed to.

Mr. Parker moved,

That the bill be committed to the committee of the whole, and made the special order for Tuesday next.

Mr. Wait moved

To amend by substituting "to-morrow" in place of "Tuesday next."

Which was disagreed to.

The question then being on

The motion of Mr. Parker,

The same was disagreed to.

Mr. Wait moved

That the bill be committed to the committee of the whole, and made the special order for this afternoon.

Which was disagreed to.

Mr. Ford moved

That the bill be ordered to a third reading on to-morrow.

The yeas and nays being ordered, the motion was disagreed to by the following vote, to wit:

Yeas—Messrs. Berry, Cornelius, Ford, and Mack—4.

Nays—Messrs. Parker, Steward, Wait, and Mr. President—4.

On motion of Mr. Ford,

The Council adjourned.

AFTERNOON SESSION.

The President announced

H. B. 12, pending at the adjournment.

Mr. Parker moved

That H. B. 12, be referred to the committee of the whole, and made the special order of the day for Monday afternoon, January 10, 1859.

Which was agreed to.

C. B. 19,

An act to divorce Veronica Wilson from H. W. Wilson,

Was read the third time.

The question being, shall the bill pass?

Resulted in the affirmative, as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Wait—7.

Nay—Mr. President—1.

So the bill passed.

The following message was received from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed the accompanying

H. B. No. 2,

Incorporating the Cascade Mountain Wagon Road Company, and request your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 4,

An act to incorporate the Cascade Mountain Wagon Road Company,

was

Read the first time, and
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Wait,
The bill was referred to
The committee on roads and highways.

Message from the House.

Mr. President:—I am directed by the Speaker to inform you that he has signed
House Bills No. 1, 2, 3 and 5.
Also, H. J. M. 1 and 2.
Also, H. J. R. No. 6 and 9.
And the same are herewith transmitted for your signature.

JAMES M. TYLER, *Clerk.*

Mr. Wait, by unanimous consent,
Introduced C. B. 20,
A bill to authorize Joseph Young to construct a wagon road across the Cascade Mountains, and to collect tolls thereon; which was
Read the first time; and
Ordered printed.

On motion of Mr. Mack,
The Council adjourned.

I hereby certify that the foregoing is a true copy of the journal of the Council for Friday, January 7, 1859, as approved by the Council.

N. HUBER, *Clerk.*

SATURDAY, JANUARY 8, 1859.

The Council convened pursuant to adjournment.

Present—Messrs. Berry, Parker, Wait, and Mr. President—4.
Absent—Messrs. Cornelius, Ford, Mack, and Steward—4.

The President announced the absence of a quorum.

On motion of Mr. Wait,

The Council adjourned to two o'clock this afternoon.

AFTERNOON SESSION.

The President called the Council to order.

Mr. Berry moved

A call of the House; which was ordered.

Present—Mr. Berry, and Mr. President—2.

Absent—Messrs. Cornelius, Ford, Mack, Parker, Steward and Wait—6.

The President announced the absence of a quorum.

On motion of Mr. Berry,

Ordered that the Sergeant-at-Arms notify the absentees, and request their attendance.

Messrs. Mack, Parker, and Steward appeared in their seats.

Thereupon the President announced a quorum present.

On motion of Mr. Mack,

All further proceedings under the call were dispensed with.

The journal of yesterday was read, corrected and approved.

Mr. Mack, from the committee on enrolled bills,

Reported Council Joint Resolution 4,

Correctly enrolled.

Mr. Mack, from the committee on engrossed bills,

Reported Council bills 7 and 15,

Correctly engrossed.

C.B. 20,

A bill to authorize Joseph Young to construct a wagon road across the Cascade Mountains, and to collect tolls thereon;

Was read the second time, and

On motion of Mr. Parker,

Laid on the table.

C. B. 7,

A bill to amend an act relating to estrays, and to property lost or unclaimed; was

Read the third time, and

On motion of Mr. Mack,

The bill was laid on the table.

On motion,

The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Saturday, January 8, 1859, as approved January 10, 1859.

N. HUBER, *Clerk.*

MONDAY, January 10, 1859.

The Council convened pursuant to adjournment.

Present—Messrs. Berry, Cornelius, Mack, Parker, Steward, Wait, and Mr. President—7.

Absent—Mr. Ford—1.

The journal for Saturday, January 8, 1859, was read and approved.

Mr. Wait presented

The petition of S. S. White,

Praying for a confirmation of

Title to a lot in Oregon city;

Accompanied by a bill, to wit:

C. B. 21,

An act supplementary to "An act to provide for the confirming the title to certain lots in Oregon City," passed 29th January, 1851.

Which was read the first time.

On motion of Mr. Wait,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Wait,

The bill was referred to

The committee on education.

Mr. Cornelius, from the committee on roads and highways,

Made the following report:

Mr. President:—The committee on roads and highways, to whom was referred

House Bill No. 4,

An act to incorporate the Cascade Mountain Wagon Road Company, beg leave to report the same back, without amendment, and recommend its passage.

T. R. CORNELIUS,

Chm'n. Com. on Roads and Highways.

Mr. Steward, from the committee on counties,

Made the following report, to wit:

Mr. President:—The committee on counties, to whom was referred The petition of citizens of Yamhill county, asking to be attached to Clackamas county, beg leave to report adversely to the prayer of said petitioners.

GEO. H. STEWARD,

Chm'n. Com. on Counties.

On motion of Mr. Cornelius,

The report was adopted.

C. B. 15,

A bill to vacate a part of the territorial road from Oregon City to Spores', on the Willamette river; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, Steward, Wait, and Mr. President—7.

Nays—None.

Absent—Mr. Ford.

The President announced the bill passed.

H. B. 4,

A bill incorporating the Cascade Mountain Wagon Road Company;

Was read the third time, and

On motion of Mr. Steward,

The bill was recommitted to

The committee on corporations.

On motion of Mr. Wait,

C. B. 20,

A bill to authorize Joseph Young, to construct a wagon road across the Cascade Mountains, and to collect tolls thereon;

Was taken up.

Mr. Wait offered the following amendments to the bill,

Which, on his motion,

Were severally adopted, to wit:

Amend, by inserting "footman free," at the end of section 4.

Amend section 5, by striking out the words "and November," and by inserting the word "and" before the word "October." Also, by inserting the word "November" before the word "December."

Amend section 8, by inserting after the word "residing," where the same first occurs in said section, as follows, to wit: "West of the Cascade Mountains;" and also, by inserting after the word "residing," where the same occurs the second time in said section, as follows, to wit: "East of the Cascade Mountains," and

On motion of Mr. Wait,

The bill, C. B. 20, was

Ordered engrossed, and

To a third reading on to-morrow.

The following message was received from the House:

Mr. President:—I am directed by the Speaker to inform you that the House has passed the following bills:

H. B. 11,

A bill to extend the charter of the Illinois Valley Wagon Road Company.

H. B. 8,

A bill requiring sheriffs to execute new bonds, with approved security, in certain cases.

H. B. 17,

To re-locate a part of a territorial road from Oregon City to Pleasant Hill.

H. B. 18,

Charter for a wagon road; and

H. B. 21,

A bill to amend an act to regulate the fees of certain officers and other persons.

And herewith transmit the same, and request your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 11,

A bill to extend the charter of the Illinois Valley Wagon Road Company; was

Read the first time.

H. B. 8,

A bill requiring sheriffs to execute new bonds with approved security, in certain cases; was

Read the first time.

H. B. 17,

A bill to re-locate a part of the territorial road from Oregon City to Pleasant Hill; was

Read the first time.

H. B. 18,

An act to incorporate the Josephine Wagon Road Company; was

Read the first time.

H. B. 21,

A bill to amend an act entitled an act to regulate the fees of certain officers and other persons; was

Read the first time.

H. B. 22,

A bill, to be entitled an act to amend section 1, title I, chapter 2, of the Oregon statutes, in relation to the jurisdiction of justices of the the peace; was

Read the first time

The following message was received from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed C. B. 8, with accompanying amendment.

JAMES M. PYLE, *Clerk.*

The House amendment to
C. B. 8,
An act to authorize Henry D. Green to establish a gas manufactory in the city of Portland;
Was read, and
On motion of Mr. Wait,
The Council concurred in the amendment.

The President announced that he had signed
House Bills 1, 2, 3, and 5.
Also H. J. R's 6, and 9
Also, H. J. M's 1, and 2.

On motion of Mr. Berry,
The Council adjourned.

AFTERNOON SESSION.

Mr. Ford appeared in his seat, in addition to the members present this morning.

On motion of Mr. Cornelius,
C. B. 7,
A bill to amend an act relating to estrays, and to property lost or unclaimed;
Was taken from the table.
On motion of Mr. Parker,
The bill was recommitted to
The committee on ways and means.

Mr. Parker, by unanimous consent,
Submitted the written report of
The joint committee on education, of the two Houses,
To whom had been referred
The subject of certain amendments to

On motion of Mr. Cornelius,
The report of the committee was adopted
[For report, see appendix.]

On motion of Mr. Cornelius,
The Council resolved itself into

COMMITTEE OF THE WHOLE.

On the business thereto referred,
Mr. Cornelius in the chair;
And after some time spent therein,
Reported through their chairman,
That the committee of the whole have had under consideration
H. B. 12,
A bill to re-locate the seat of government;
And ask leave to sit again.

IN THE COUNCIL.

The following message was received from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has adopted the accompanying

H. J. R. 14,

Adjourning the Assembly on the 22d January instant, and request your concurrence.

JAMES M. PYLE, Clk.

Mr. Steward moved
To lay H. J. R. 14, on the table.
Which was disagreed to.

Mr. Parker moved
That the resolution be adopted.
Which was disagreed to.

On motion of Mr. Cornelius,
The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Monday, January 16, 1859.

N. HUBER, Clerk.

TUESDAY, JANUARY 11, 1859.

The Council convened pursuant to adjournment.

The members of the Council all in attendance.

The journal of the Council for yesterday was read and approved.

Mr. Stewart presented
The petition of William Carpenter,
Praying the passage of an act
To divorce him from his wife, Ellen Carpenter,

On motion of Mr. Berry,
The petition was referred to a select committee,
Consisting of Messrs. Berry, Parker, and Cornelius.

Mr. Mack, from the committee on enrolled bills,
Reported C. B. 8,
An act to authorise Henry D. Green to establish a gas manufactory, in the city of Portland, Multnomah county, Territory of Oregon,
Correctly enrolled.

Mr. Mack, from the committee on engrossed bills,
Reported Council Bills 17, 18, and 20,
Correctly engrossed.

Mr. Cornelius, from the committee on corporations,
Reported back H. B. 4,
An act to incorporate the Cascade Mountain Wagon Road Company,
With an amendment,
Recommending its adoption.
On motion of Mr. Cornelius,
The amendment was adopted.

Mr. Parker, from the committee on education,
Reported back C. B. 21,
With a recommendation that it do pass.

H. B. 11,
A bill to extend the charter of the Tillson Valley Wagon Road

Was read a second time, and

Passed to a third reading.

H. B. 8,

A bill requiring sheriffs to execute new bonds, in certain cases;

Was read a second time, and

On motion of Mr. Parker,

Referred to the committee on the judiciary.

H. B. 17,

An act to re-locate a part of the territorial road from Oregon City to Pleasant Hill; was

Read a second time, and

On motion of Mr. Wait,

Referred to the committee on roads and highways.

H. B. 18,

An act to incorporate the Josephine Wagon Road Company; was

Read a second time, and

On motion of Mr. Wait,

Referred to the committee on corporations.

H. B. 21,

A bill to amend an act entitled an act to regulate the fees of certain officers and other persons; was

Read a second time, and

On motion of Mr. Cornelius,

Referred to the committee on the judiciary.

H. B. 22,

A bill, to be entitled an act to amend section 1, title 1, chapter 2, of the Oregon statutes, in relation to the jurisdiction of justices of the the peace; was

Read a second time, and

Passed to a third reading.

H. B. 4,

An act to incorporate the Cascade Wagon Road Company, with the amendment adopted,

Was then taken up, and

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nays—Mr. Wait, and Mr. President—2.

The President then announced the bill passed.

C. B. 21,

An act supplemental to "An act to provide for the confirming the title to certain lots in Oregon City," passed 29th January, A. D. 1851; Was read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

Thereupon the President announced the bill passed.

C. B. 20,

A bill to authorize Joseph Young to construct a wagon road across the Cascade Mountains, and to collect tolls thereon; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Mack, Parker, Wait, and Mr. President—5.

Nays—Messrs. Cornelius, Ford, and Steward—3.

The President then announced the bill passed.

C. B. 17,

An act to grant Sarah Ann Smith a divorce; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Wait—7.

Nay—Mr. President—1.

The President then announced the bill passed.

On motion of Mr. Parker,

The Council adjourned.

AFTERNOON SESSION.

On motion of Mr. Wait,

C. B. 18.

A bill to legalize a certain territorial road leading from Clackamas bridge, in Clackamas county, to some point on the Willamette river, opposite Portland, in the county of Multnomah;

Was taken up, and

Read the third time.

Mr. Cornelius moved,

To lay the bill on the table.

Which was disagreed to.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, Wait, and Mr. President—7.

Nay—Mr. Cornelius—1.

The President then announced the bill passed.

On motion of Mr. Mack,

The Council adjourned.

I hereby certify the foregoing to be a full and true copy of the Journal of the proceedings of the Council, for Tuesday, January 11th, 1859, as approved by the Council.

N. HUBER, *Clerk.*

WEDNESDAY, JANUARY 12, 1859.

The Council convened pursuant to adjournment.

Members of the Council all present.

The journal of yesterday was read and approved.

Mr. Wait, from the committee on the judiciary,

Reported back H. B. 21,

Without amendment, and

A recommendation that it do pass.

Also, H. B. 8,

Without amendment or recommendation.

Mr. Berry, from the select committee,

To whom was referred

The petition of William Carpenter, praying for a divorce;

Reported by bill:

C. B. 22,

A bill to divorce William Carpenter and Ellen Carpenter,

Which was read the first time.

Mr. Parker, from the same committee,

Made a minority report,

Adversely to the prayer of the petitioner.

On a motion,

To adopt the majority report of the committee,

The yeas and nays being ordered,

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, and Steward—3.

Nays—Messrs. Ford, Mack, Parker, Wait, and Mr. President—5.

Thereupon the President declared the bill, C. B. 22, rejected.

H. B. 11,

A bill to extend the charter of the Illinois Valley Wagon Road Company; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

Nays—None.

So the President announced the bill passed.

H. B. 22,

A bill to be entitled an act to amend section 1, title 1, chapter 2, of the Oregon statutes, in relation to the jurisdiction of justices of the peace; was

Read a third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Wait—6.

Nays—Mr. Parker, and Mr. President—2.

The President then announced the bill passed.

H. B. 21,

A bill to amend an act entitled an act to regulate the fees of certain officers and other persons; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Wait—6.

Nays—Mr. Parker, and Mr. President—2.

Thereupon the President announced the bill passed.

H. B. 8,

A bill requiring sheriffs to execute new bonds, with approved security, in certain cases; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Cornelius, Ford, and Parker—3.

Nays—Messrs. Berry, Mack, Steward, Wait, and Mr. President—5.

The President then announced the bill lost.

On motion of Mr. Mack,

The Council adjourned.

AFTERNOON SESSION.

The following message from the House, by Mr. Pyle, their Clerk, was received and read, to wit:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed

H. B. 23,

A bill to divorce Eliza Ann from Philester Lee.

H. B. 24,

To divorce Lucy Smith; and

H. B. 25,

A bill to divorce Buel Woodard.

And transmit the same for your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 23,

A bill to divorce Eliza Ann Lee from Philester Lee; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended, and

The bill read a second time, and

Ordered to a third reading on to-morrow.

H. B. 24,

A bill to divorce Lucy Smith; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time, and

Ordered to a third reading on to-morrow.

H. B. 25,

An act to divorce Buel Woodard and Sarah M. Woodard; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended, and

The bill read a second time.

Mr. Steward moved that the bill be referred to a select committee.

Which was agreed to.

The President then announced
Messrs. Steward, Mack, and Parker said committee.

Mr. Wait moved
That the Council resolve into
Committee of the whole,
On the business thereto referred.
Which was disagreed to.

Mr. Steward, by unanimous consent,
Presented the petition of Elijah and Susan Dodson, praying to be divorced.
On motion of Mr. Steward,
Ordered that the petition, and accompanying papers, be
Referred to a select committee.
The President then announced
Messrs. Steward, Cornelius, and Mack said committee.

On motion of Mr. Parker,
The Council adjourned.

I hereby certify that the foregoing is a true copy of the journal of the Council for Wednesday, January 12th, 1859, as approved by the Council, January 13, 1859.

N. HUBER, *Clerk.*

THURSDAY, JANUARY 13, 1859.

The Council convened pursuant to adjournment.

Members all present.

The journal of yesterday was read and approved.

Mr. Berry, from the committee on ways and means,
Reported back C. B. 7,
A bill to amend an act relating to estrays, and to property lost or unclaimed, without amendment,
Recommending its passage.

Mr. Cornelius, from the committee on corporations,
To whom was referred H. B. 18,
An act to incorporate the Josephine Wagon Road Company;
Reported the same back, with an amendment,
Which is as follows, to wit:

Amend, by adding at the end of section 3, as follows, to wit: "And the members of said company shall be individually liable for the debts and liabilities of said company, to the amount of the stock therein subscribed for or owned by them respectively."

On motion of Mr. Berry,
The amendment was adopted.

Mr. Steward, from the select committee,
To whom was referred H. B. 25,
A bill to divorce Buel Woodard and Sarah M. Woodard;
Reported the same back, without amendment,
Recommending its passage.
On motion of Mr. Ford,
The report of the committee was adopted.

Mr. Steward, from the select committee,
To whom had been referred
The petition of Elijah and Susan Dodson;
Reported by bill.
On motion of Mr. Cornelius,
The report was adopted.

C. B. 23,
A bill to divorce Elijah Dodson and Susan Dodson; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Ford,
The bill was referred to
The committee on the judiciary.

H. B. 23,
A bill to divorce Eliza Ann Lee from Philester Lee; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nay—Mr. Wait—1.

The President then announced the bill passed.

H. B. 24,

A bill to divorce Lucy Smith; was

Read the third time,

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Wait—7.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

H. B. 18,

An act to incorporate the Josephine Wagon Road Company;

With the Council amendment, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, Wait, and Mr. President—8.

So the President announced the bill passed.

C. B. 7,

A bill to amend an act relating to estrays, and to property lost or unclaimed; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Wait—6.

Nays—Mr. Parker, and Mr. President—2.

The President then announced the bill passed.

On motion of Mr. Steward,

H. B. 25,

A bill to divorce Buel Woodard and Sarah M. Woodard;

Was taken up, and read the third time.

The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, Steward, and Wait—6.

Nays—Mr. Ford, and Mr. President—2.

Thereupon the President announced the bill passed.

Mr. Steward, from the select committee,
To whom had been referred
The petition of Nancy Judson, praying for a divorce,
By unanimous consent, reported by bill, to wit:
C. B. 24,
A bill to divorce Nancy Judson and Lewis H. Judson; which was
Read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Cornelius,
The bill, C. B. 24, was read the third time.
Mr. Berry asked
To withdraw his motion by which the bill was
Ordered to a third reading.
Which motion the President refused to entertain,
As the motion had been agreed to by the Council.
Mr. Wait moved
To recommit the bill to the same committee
By whom it had been reported,
With certain instructions.
Which motion was withdrawn.
Mr. Berry then moved
To reconsider the motion by which the bill, C. B. 24, was
Ordered to a third reading.
Upon which motion the yeas and nays were ordered, and
Resulted as follows:

Yeas—Messrs. Berry, Mack, Wait, and Mr. President—4.

Nays—Messrs. Cornelius, Ford, Parker, and Steward—4.

Thereupon the President announced the motion disagreed to.

On motion of Mr. Ford,
The Council adjourned.

AFTERNOON SESSION.

The President announced,
That at the adjournment the pending question was
Upon the passage of C. B. 24,
A bill to divorce Nancy Judson and Lewis H. Judson.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nay—Mr. Wait—1.

The President then announced the bill passed.

Mr. Parker moved,
That a committee of three be appointed to examine the propositions of Messrs. Knott and King, on the Penitentiary, with instructions to report by bill or otherwise.
Which was agreed to.
The President announced
Messrs. Parker, Berry, and Steward such committee.

Mr. Mack moved that
H. B. 12,
An act to re-locate the seat of government of Oregon Territory,
Be taken from the committee of the whole, and
Placed before the Council on its final passage.
Mr. Cornelius then moved
To amend the proposition so
That the committee of the whole
Be discharged from the further consideration of the bill,
Which was accepted, and the motion agreed to.
And so the committee of the whole was discharged from the further consideration of the bill.
So the bill, H. B. 12, was then taken up.
The President then announced
The bill to be on a second reading,
And subject to amendment or recommitment.

Mr. Steward offered the following amendment to the bill, and moved its adoption, to wit:

Amend by striking out section 2, and insert the following:

"Sec. 2. That the seat of government of this Territory be, and the same is hereby removed from the town of Salem, in Marion county, and re-located and established at the city of Portland, in the county of Multnomah; and each and every session of the Legislative Assembly of this Territory, either general or special, shall be held at said city of Portland."

Mr. Parker submitted the following as an amendment to the amendment, to wit:

Amend the bill by striking out all of the first and second sections, from the word "Oregon," in the first section, till section 3 of said bill.

On a question of order,
The President refused to entertain
The motion on the adoption of the amendment to the amendment,
Offered by Mr. Parker.
The question then being on the amendment proposed by Mr. Steward,
The yeas and nays were ordered, and upon call of the roll,
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Steward, and Wait—5.

Nays—Messrs. Mack, Parker, and Mr. President—3.

The President then declared the amendment adopted.

Mr. Wait then offered the following amendment to the bill, and moved its adoption, to wit:

Also, amend section 3 of said bill by inserting after the figure "9," in said section, as follows, to wit: "An election shall be held, at which time."

The question then being taken on the amendment,
The Council refused to adopt the same.

Mr. Parker then moved
To renew his amendment,
And offered the same as an amendment to the bill.

The question then being on the motion to adopt the amendment to the bill,
The same was disagreed to.

Mr. Cornelius then offered the following amendment, to wit:

Amend section 9, in line 5, after the word "people" first occurs, strike out the words, to wit: "At the next general election," and insert the following, to wit: "On the first Monday in October next."

On a motion to adopt the amendment,
The yeas and nays were ordered, and
Resulted as follows:

Yeas—Messrs. Cornelius, Ford, Mack, Parker, and Mr. President—5.

Nays—Messrs. Berry, Steward, and Wait—3.

The President then declared the amendment adopted.

Mr. Cornelius then moved
That the bill be read a third time now.
Which was agreed to.
H. B. 12,
A bill to re-locate the seat of government of the Territory of Oregon, was then
Read a third time.
The question being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Wait—6.

Nays—Mr. Parker, and Mr. President—2.

The President announced the bill passed.

Mr. Berry, by unanimous consent,
Introduced a bill:
C. B. 25,
A bill to authorize R. S. Jewett and brothers to construct a floating bridge across Rogue river, and to collect tolls thereon;
Which was read the first time.
On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Parker,
The bill was referred to
The committee on roads and highways.

Mr. Cornelius, from the committee on roads and highways,
By unanimous consent, reported back
H. B. 17,
A bill to re-locate a part of the territorial road from Oregon City to Pleasant Hill;
Without amendment,
Recommending its passage.
Mr. Mack moved
That the bill be read a third time now.
Which was agreed to.
Thereupon the bill was read a third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, and Steward—5.

Nays—Messrs. Parker, Wait, and Mr. President—3.

So the President announced the bill passed.

Mr. Berry moved
To reconsider the vote by which
The Council refused to concur in the adoption of
House Joint Resolution 14,
Fixing a time for the *sine die* adjournment of the Legislative Assembly.
Which was agreed to.
On motion of Mr. Berry,
The resolution was laid on the table.

On motion of Mr. Mack,
The Council adjourned.

I hereby certify the foregoing to be a full and true copy of the Journal of the proceedings of the Council, for Thursday, January 13, 1859, as approved by the Council.

N. HUBER, *Clerk.*

FRIDAY, JANUARY 14, 1859.

The Council convened pursuant to adjournment.

Members all present.

Journal of yesterday was read and approved.

Mr. Wait, from the committee on the judiciary,
Reported back C. B 23,
A bill to divorce Elijah Dodson and Susan Dodson;
With the following amendment, and without recommendation, to wit:
Amend section 1, by striking out the words "the said Elijah Dodson is hereby divorced," where the same occurs in said section, and by inserting in the place of the words so stricken out, as follows, to wit: "They are hereby absolved."

Mr. Steward, from the same committee,
Also, submitted the following minority report, to wit:

MR. PRESIDENT:—The undersigned, a member of the judiciary committee, to whom was referred the bill,
C. B. 23,
To divorce Elijah and Susan Dodson, having had the same under consideration, beg leave to report the same back, with amendment as recommended by majority of the committee, and recommend its passage.

GEO. H. STEWARD.

On motion of Mr. Steward,
The amendment reported by
The committee was adopted.

Mr. Cornelius, from the committee on roads and highways,
Reported back C. B. 25,
A bill to authorize R. S. Jewett and brothers to construct a floating bridge across Rogue river, and to collect tolls thereon;
With sundry amendments,
Recommending their adoption.
On motion of Mr. Cornelius,
The amendments were then severally adopted, as follows, to wit:

In section 1, after the word below, strike out the word "said," and insert the word "Jewett."

In section 2, line 24, strike out the word "with," and insert the word "as."

Amend by inserting after the last word in section 8, as follows:

"Section 9. That said bridge shall be completed within twelve months from the passage of this act."

And change "section 9" so as to read "section 10."

Mr. Parker, on leave,

Presented the petition of Susan Tary, praying to be divorced from her husband, William Tary;

Also, introduced a bill for that purpose, to wit:

C. B. 26,

An act to divorce Susan Tary from William Tary; which was

Read the first time.

On motion of Mr. Parker,

The rules were suspended, and

The bill read a second time.

Mr. Parker moved

That the bill be referred to a select committee.

Which was agreed to.

The President announced

Messrs. Parker, Steward, and Mack said committee.

Mr. Cornelius moved

That the report of the committee on military affairs, submitted February 3, 1858, be recommitted to the same committee, and that the report, together with such additional information as they may have obtained upon the subject matter of said report, be submitted to the Council.

Which was agreed to.

On motion of Mr. Steward,

C. B. 23,

A bill to divorce Elijah Dodson and Susan Dodson; was

Ordered engrossed and to

A third reading on to-morrow.

On motion of Mr. Cornelius,

C. B. 25,

Authorising R. S. Jewett to construct a bridge; was

Ordered engrossed, and to
A third reading on to-morrow.

On motion of Mr. Mack,
The Council adjourned.

AFTERNOON SESSION.

Mr. Ford, on leave,
Presented the petition of Ira F. M. Butler, and others, praying the passage of an act incorporating the town of Monmouth;
Accompanied by a bill for that purpose, to wit:
C. B. 27,
A bill to incorporate the town of Monmouth; which was
Read the first time.
On motion of Mr. Ford,
The rules were suspended, and
The bill read a second time.
Mr. Ford then moved
That the bill be referred to a select committee.
Which was agreed to.
The President announced
Messrs. Ford, Cornelius, and Wait said committee.

Mr. Ford, from the committee on military affrirs,
By unanimous consent, made a report as follows, to wit:
Mr. President:—Your committee, to whom was recommitted the report of the committee on military affairs of the Council of the Legislative Assembly of Oregon Territory, submitted February 3, 1858, submit said report, and the following supplementary report:
[For report and supplement, see appendix.]

On motion of Mr. Cornelius,
Ordered that five hundred copies of
The report and supplement be printed.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has adopted
H. J. M. 3,

In relation to spoliation claims, and request your concurrence.

JAMES M. PYLE, *Clerk.*

House Joint Memorial 3,
In relation to spoliation claims,
Was then read.

Mr. Cornelius moved
To amend by inserting the word "States" after the word "United,"
Which was agreed to.

On motion,
The memorial was adopted.

A further message from the House, by Mr. Pyle, their Clerk, to wit:

MR. PRESIDENT:—I am directed by the Speaker to inform you that he has signed
C. B. 8, and
C. J. R. 4,
And the same are herewith returned to you.

JAMES M. PYLE, *Clerk.*

Mr. Mack moved
To reconsider the vote by which
The Council concurred in the adoption of
H. J. M. 3.
Which was agreed to.

On motion of Mr. Wait,
The memorial was referred to
The committee on ways and means.

The President announced that he had signed
C. B. 8,
An act to authorize Henry D. Green to establish a gas manufactory in the city of Portland, Multnomah county, Territory of Oregon.
Also, that he had signed
C. J. R. 4,
In relation to an appropriation to extend the surveys of the public lands east of the Cascade Mountains.

On motion of Mr. Cornelius,
The Council adjourned.

I hereby certify that the foregoing is a true copy of the Journal of the Council for Friday, January 14, 1859, as approved by the Council.

N. HUBER, *Clerk.*

SATURDAY, JANUARY 15, 1859.

Council met pursuant to adjournment.

Absent—Mr. Ford.

Journal of yesterday read and approved.

Mr. Wait, from the committee on the judiciary,

Made a verbal report upon

The petition of John Roberts, and others, of Lane county, praying the enactment of a special license law for said county;

By a bill for that purpose,

Without recommendation,

Stating that a majority of

The committee do not approve of its passage, to wit:

C. B. 28,

To amend an act entitled "An act relating to the granting of licenses to sell spirituous liquors," &c.

The bill was read the first time, and

Ordered printed.

Message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that the House has passed the accompanying

H. B. 88,

A bill to amend an act entitled "An act to incorporate the Cascade Road and Bridge Company;"

And request your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 88,

A bill to amend an act entitled "An act to incorporate the Cascade Road and Bridge Company," was

Read the first time.
On motion of Mr. Wait,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Wait,
The rules were further suspended, and the bill
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, Steward, Wait, and Mr. President—7.

Nays—None.

Absent—Mr. Ford.

The President then announced the bill passed.

A further message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House of Representatives has refused to concur in the amendments of Council to
H. B. 12,
Re-locating the seat of government;
And ask the Council to recede.

JAMES M. PYLE, *Clerk.*

Mr. Wait moved
That the Council insist upon the first amendment to
H. B. 12,
Re-locating the seat of government.
Which was agreed to.
Mr. Wait moved
That the Council recede from the second amendment to the bill.
Which was disagreed to.
Ordered that the Clerk inform the House thereof.

Mr. Wait asked and obtained leave of absence during the remainder of the present session.

Mr. Parker moved that
H. J. R. 14,

Fixing the 22d instant for a *sine die* adjournment,
Be taken from the table.
Which was agreed to.
Mr. Parker then moved
That the Council concur in the adoption of the resolution.
Which was agreed to.
So the President announced the resolution adopted.

Mr. Mack, from the committee on engrossed bills,
By unanimous consent,
Reported Council Bills 23, and 25;
Correctly engrossed.

On motion of Mr. Cornelius,
C. B. 23,
A bill to divorce Elijah Dodson and Susan Dodson; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, and Steward—5.
Nays—Mr. Wait, and Mr. President—2.

Absent—Mr. Ford.

The President then announced the bill passed.

On motion of Mr. Berry,
C. B. 25,
A bill to authorize R. S. Jewett and brothers to construct a floating bridge across Rogue river, and to collect tolls thereon; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows.

Yeas—Messrs. Berry, Cornelius, Mack, and Parker—4.

Nays—Mr. Steward, and Mr. President—2.

Absent—Messrs. Ford, and Wait.

So the President announced the bill passed.

Mr. Mack introduced the following resolution, and moved its adoption, to wit:

Resolved, That from and after Wednesday next, no new matter requiring joint action of the two Houses shall be introduced into the Council.

Which was disagreed to.

On motion of Mr. Cornelius,
The Council adjourned.

AFTERNOON SESSION.

Mr. Cornelius moved
That the vote by which C. B. 27,
A bill to incorporate the town of Monmouth,
Was referred to a select committee,
Be reconsidered.
Which was agreed to.
Mr. Cornelius then moved
To recommit the bill to
The committee on education.
Which was agreed to.
On motion,
The vote to commit to the committee on education,
Was reconsidered, and
Ordered that the bill be committed to
The committee of the whole.

The following message was received from the House, to wit:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House adheres to its disagreement to Council amendment to
H. B. No. 12,
And request the Council to recede from its amendment.

JAMES M. PYLE, *Clerk.*

Mr. Cornelius moved
That the Council still insist upon its amendments,
And ask for a committee of conference
Upon the disagreement of the two Houses.
Which was agreed to.

On motion of Mr. Cornelius,

The Council resolved itself into

COMMITTEE OF THE WHOLE,

On the business thereto referred.

Mr. Berry in the chair.

After some time spent therein,

The committee rose, and through their chairman

Reported that the committee had under consideration

C. B. 27,

A bill to incorporate the town of Monmouth; and adopted sundry amendments thereto, and recommended their adoption.

IN THE COUNCIL.

The several amendments to the bill were then read, and severally adopted, as follows, to wit:

Insert the words "Article 1" before the first section of the bill.

Also, strike out the word "commencing," in the first section, and insert the words "shall commence."

Also, article 3, strike out section 4, and change the number of section 5 to 4, and section 6 to 5.

Also, article 4, section 1, insert the word "within," before the words "ten days;" and in section 2, first line, insert the word "corporate" before the word "limits."

And also, at the close of the bill, insert "Sec. 13. This act to take effect from and after its passage."

On motion of Mr. Cornelius,

Ordered that the bill be engrossed, and

Read a third time on Monday next.

Message from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House has passed the accompanying

H. B. 19,

To incorporate the North Umpqua River Bridge Company,
And requests your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 19,
A bill to incorporate the North Umpqua River Bridge Company,
Was read the first time, and
On motion of Mr. Berry,
The rules were suspended, and
The bill read the second time.
On motion of Mr. Berry,
The rules were further suspended, and
The bill read the third time.
The question then being, shall the bill pass?
Resulted as follows:
Yeas—Messrs. Berry, Cornelius, Mack, Steward, and Mr. President—5.
Nays—None.
Absent—Messrs. Ford, and Wait.
Mr. Parker excused from voting.
The President then announced the bill passed.

On motion of Mr. Cornelius,
The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Saturday, January 15, 1859, as approved Monday, January 17, 1859.

N. HUBER, *Clerk.*

MONDAY, JANUARY 17, 1859.

Council convened pursuant to adjournment.

Absent—Mr. Ford.

Journal of Saturday last was read and approved.

Mr. Cornelius presented
The petition of Ellen L. Coonts, praying for a divorce,
Accompanied by a bill for that purpose, to wit:
C. B. 29,
An act to divorce Ellen L. Coonts; which was
Read the first time.
On motion of Mr. Cornelius,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Cornelius,
The bill, C. B. 29, was referred to
The committee on the judiciary.

Message from the House, per Mr. Pyle, their Clerk:

Mr. President:—I am directed by the Speaker to inform the Council that the House have passed the accompanying bills, to wit:
H. B. 10,
An act to re-establish the boundaries of Astoria.
H. B. 13,
For the relief of Yamhill county.
H. B. 30,
To divorce Mary A. Dennis.
H. B. 31,
To legalize an informal vote locating the county seat of Curry county.
H. B. 32,
To change territorial road from Albany, in Linn county, to Drift Creek, in Marion county.
H. B. 33,
To incorporate Oregon City.
H. B. 39,
To divorce Lydia Casner.
H. B. 42,
To incorporate the Monger Creek Water Ditch Company.
H. B. 43,
To incorporate Laurel Lodge No. 13, A. F. and A. M.
H. B. 47,
To divorce Hessey Williams.
H. B. 49,
To incorporate the Powel's Creek Water Ditch Company.
H. B. 53,

To re-locate a part of the territorial road from Salem to Philip Foster's, in Clackamas county.

And H. B. 54,

To extend the limits of the town of Dallas, in Polk county.

And request your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 47,

A bill to divorce Hessey Williams; was

Read the first time.

On motion of Mr. Mack,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Mack,

Referred to the committee on claims.

H. B. 43,

An act to incorporate Laurel Lodge No. 13, of Roseburg, Douglas county, Oregon; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and

Referred to the committee on education.

H. B. 39,

A bill to divorce Lydia Casner; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time, and

Referred to the committee on education.

H. B. 54,

A bill to extend the limits of the town of Dallas, in Polk county;

Was read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time, and

Referred to the committee on counties.

H. B. 30,

A bill to divorce Mary A. Dennis from the bonds of matrimony;

Was read the first time.

On motion of Mr. Mack,

The rules were suspended,

The bill read a second time, and

Referred to the committee on education.

H. B. 53,

An act to re-locate a part of the territorial road from Salem to Philip Foster's, in Clackamas county; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and

Referred to the committee on military affairs.

H. B. 49,

A bill to be entitled "An act to incorporate the Powell Creek Water Ditch Company;" was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time, and

Referred to the committee on roads and highways.

H. B. 32,

A bill to change the territorial road leading from Albany, in Linn county, to Drift creek, in Marion county; was

Read the first time.

On motion of Mr. Mack,

The rules were suspended,

The bill read a second time, and

Referred to the committee on roads and highways.

H. B. 31,

A bill to be entitled "An act to legalize an informal vote locating the county seat of Curry county;" was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and
Referred to the committee on counties.

H. B. 10,
An act to re-establish the boundaries of Astoria; was
Read the first time.
On motion of Mr. Mack,
The rules were suspended,
The bill read a second time, and
Referred to the committee on ways and means.

H. B. 13,
A bill for the relief of Yamhill county; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended,
The bill read a second time, and
Referred to the committee on the judiciary.

H. B. 42,
A bill to be entitled "An act to incorporate the Monger creek Water Ditch Company;" was
Read the first time.
On motion of Mr. Berry,
The rules were suspended,
The bill read a second time, and
Referred to the committee on ways and means.

H. B. 33,
An act to incorporate Oregon City; was
Read the first time.
On motion of Mr. Cornelius,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Steward,
The bill, H. B. 33, was
Referred to the committee on the judiciary.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has concurred in the request of the Council for

a committee of conference on the disagreeing votes of the two Houses on the bill of the House, No. 12, re-locating the seat of government; and Messrs. T'Vault and Dryer have been appointed on the part of the House, and request a like committee on the part of the Council.

JAMES M. PYLE, *Clerk.*

The President appointed Messrs. Steward and Cornelius a committee of conference on the part of the Council, upon the disagreement between the two Houses on the adoption of the Council amendments to House Bill 12, re-locating the seat of government.

Mr. Cornelius introduced the following resolution, to wit:

Resolved, That the name of Wells be stricken from the committee on corporations, and that some other member be placed thereon by the President.

On motion,

The resolution was adopted.

The President appointed Mr. Mack on said committee.

The President introduced the following joint resolution, to wit:

C. J. R. 5,

Resolved by the Council, the House concurring, That the two Houses of the Legislative Assembly meet in joint convention, on Thursday, the 20th instant, at 2 o'clock, P. M., for the election of officers that are made elective by the Assembly.

On motion of Mr. Steward,

The resolution was adopted.

On motion of Mr. Cornelius,

The Council adjourned.

AFTERNOON SESSION.

Mr. Mack, from the committee on engrossed bills,

By unanimous consent, reported

C. B. 27,

A bill to incorporate the town of Monmouth,

As correctly engrossed.

On motion of Mr. Ford,

The bill, C. B. 27,

A bill to incorporate the town of Monmouth;

Was taken up, and

Read the third time.

Mr. Mack, by unanimous consent, offered the following amendment to the bill, as follows, to wit:

Amend by inserting the words "levy and" between the words "to" and "provide," and by erasing the words "the county," and inserting the words "a town" in place thereof.

On motion of Mr. Mack,

The amendment was adopted.

The bill was then put upon its final passage.

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

The President then announced the bill passed.

Mr. Steward, from the committee on the judiciary,

To whom was referred

C. B. 29,

An act to grant Ellen S. Coonts a divorce,

By unanimous consent, reported the same back, with several amendments, recommending their adoption, and that the bill pass.

The amendments are as follows, to wit:

Amend by inserting in the fifth line, sect. 1, after the word "Coonts," the words "her husband." Also, amend same line by inserting the word "they" after the word "and" where it first occurs in said line.

Amend ninth line by striking out the word "assume," and insert the word "resume" in room thereof.

On motion,

The amendments were adopted.

On motion of Mr. Steward,

Ordered engrossed, and read a third time to-morrow.

Mr. Parker, from the select committee,

To whom had been referred

C. B. 26,

An act to divorce Susan Tarry;

By unanimous consent, reported the same back, without amendment recommending its passage.

On motion,

The bill was then read the third time, and

The question being on its passage,

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

Mr. Steward, from the committee on the judiciary,

To whom had been referred

H. B. 33,

By unanimous consent, reported the same back, with an amendment, recommending its passage.

The amendment is as follows, to wit:

Amend fifth line, section 1, by inserting after the words "John McLaughlin," the following, "excepting the island known as Abernethy's Island."

On motion,

The amendment was adopted.

On motion of Mr. Steward,

H. B. 33,

An act to incorporate Oregon City; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

The President then declared the bill passed.

Mr. Parker, from the committee on education,

To whom had been referred

H. B. 39,

A bill to divorce Lydia Casner;

Reported the same back, without amendment,

Recommending its passage.

On motion,

The bill was then read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, Steward, and Mr. President—6.

Nay—Mr. Ford—1.

Thereupon the President announced the bill passed.

On motion of Mr. Berry,

The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Monday, January 17, 1859, as approved by the Council.

N. HUBER, *Clerk.*

TUESDAY, JANUARY 18, 1859.

Council convened pursuant to adjournment.

Members all present.

Mr. Steward, from the committee on counties,

Reported H. B. 31;

Also, H. B. 54;

Both without amendment, and recommended their passage.

Mr. Cornelius, from the committee on roads and highways,

Reported H. B.'s 32, 53, and 49,

Without amendment, recommending their passage.

Mr. Berry, from the committee on ways and means,

Reported H. B.'s 42, and 10,

Without amendment, and a recommendation that they pass.

Mr. Parker, from the committee on education,

[illegible] H. B.'s 43 and 30,

[illegible] recommending their passage.

Mr. Mack, from the committee on engrossed bills,
Reported C. B. 29,
As correctly engrossed.

C. B. 28,

A bill to amend an act entitled "An act relating to the granting of licenses to sell spirituous liquors;" was

Read a second time.

On motion of Mr Mack,

Considered engrossed, and to be

Read a third time to-morrow.

C. B. 29,

A bill to grant Ellen L. Coonts a divorce; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

H. B. 31,

A bill to be entitled "An act to legalize an informal vote locating the county seat of Curry county;" was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Mr. President—6.

Nay—Mr. Parker—1.

Thereupon the President declared the bill passed.

H. B. 54,

A bill to extend the limits of the town of Dallas, in Polk county;

Was read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

H. B. 32,

A bill for change of territorial road from Albany, in Linn county, to Drift creek, in Marion county; was

Read a third time.

On motion of Mr. Parker,

The bill was laid on the table.

H. B. 53,

An act to re-locate a part of the territorial road from Salem to Philip Foster's, in Clackamas county; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President declared the bill passed.

H. B. 49,

A bill to be entitled "An act to incorporate the Powell Creek Water Ditch Company;" was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

H. B. 42,

A bill to be entitled "An act to incorporate the Monger creek Water Ditch Company;" was

Read the third time.

The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President declared the bill passed.

H. B. 10,
An act to re-establish the boundaries of Astoria, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.
Absent—Mr. Mack.

Thereupon the President declared the bill passed.

H. B. 43,
An act to incorporate Laurel Lodge No. 13, of Roseburg, Douglas county, Oregon, was
Read the third time.

The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President declared the bill passed.

H. B. 20,
A bill to divorce Mary A. Dennis from the bonds of matrimony,
Was read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, and Steward—5.

Nay—Mr. President—1.

Absent—Mr. Mack.

Thereupon the President declared the bill passed.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has concurred in the passage of

C. B. 17,

To divorce Sarah Ann Smith.

And the same is herewith returned to the Council, in which it originated, for enrollment.

JAMES M. PYLE, *Clerk.*

A further message from the House:

Mr. President:—I am directed by the Speaker to inform the Council that the House has passed the accompanying Council bills:

C. B. 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 16, 19.

And the same are herewith returned to the Council for enrollment.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Berry,

The Council adjourned.

AFTERNOON SESSION.

The President called the Council to order.

Message from the House, per Mr. Pyle, their Clerk:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has passed

House bills No. 26, 28, 61, 62, 64, 66, 67.

And request the concurrence of the Council to the same.

JAMES M. PYLE, *Clerk.*

H. B. 26,

An act to grant Mahala Card a divorce; was

Read the first time.

On motion of Mr. Mack,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Cornelius,

The bill, H. B. 26, was referred to

The committee on the judiciary.

H. B. 28,

An act to divorce Nancy B. Walling; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and

Referred to the committee on the judiciary.

H. B. 64,

An act to divorce James Hunt; was

Read the first time.

On motion of Mr. Mack,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Ford,

The bill, H. B. 64, was

Referred to the committee on the judiciary.

H. B. 67,

A bill to divorce Samuel Abbott and Marian Abbott; was

Read the first time.

On motion of Mr. Mack,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Berry,

The bill, H. B. 67, was

Referred to the committee on the judiciary.

H. B. 66,

An act for the relief of [illegible]

Read the first time.

On motion of Mr. Mack,
The rules were suspended,
The bill read a second time, and
Referred to the committee on counties.

H. B. 62,
A bill for the relief of school district No. 2, in Linn county; was
Read the first time.
On motion of Mr. Mack,
The rules were suspended, and
The bill read a second time.
Mr. Mack moved
To refer the bill, H. B. 62, to
The committee on counties.
Which was disagreed to.
On motion of Mr. Cornelius,
The rules were further suspended, and
The bill, H. B. 62, was read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Parker.

Thereupon the President declared the bill passed.

H. B. 61,
An act to incorporate Western Star Lodge No. 18, of Free and Accepted Masons, at Napoleon, Josephine county, Oregon; was
Read the first time.
On motion of Mr. Berry,
The rules were suspended, and
The bill, H. B. 61, was
Read a second and third times.
The question then being, shall the bill pass?
Resulted as follows, to wit:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Parker.

Thereupon the President declared the bill passed.

Message announced from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform the Council that the House has concurred in the passage of

C. B. 2,

With three accompanying amendments, and request the concurrence of the Council to the same.

Also, the House has concurred in the passage of

C. B 20,

With three accompanying amendments, and request your concurrence in the same.

Also, that the House has concurred in the passage of

C. B. 27,

And return the same for enrollment.

JAMES M. PYLE, *Clerk.*

House amendments to Council Bill 2,

An act to change the practice and fix the times for the holding of Courts;

Were severally read, and

On motion of Mr. Cornelius,

Were concurred in.

Ordered that the Clerk notify the House thereof.

House amendments to Council bill 20,

A bill to authorize Joseph Young to construct a wagon road across the Cascade Mountains, and to collect tolls thereon;

Were severally read.

Mr. Ford moved.

That the Council do not concur in the first amendment.

Which was agreed to.

The question then being on the agreement to the second amendment,

Thereupon, Mr. Ford moved

That the bill, C. B. 20, be laid on the table.

Which was agreed to.

On motion of Mr. Berry,

The Council adjourned.

I hereby certify that the foregoing is a true copy of the Journal of the Council for Tuesday, January 18, 1859, as approved by the Council.

N. HUBER, *Clerk.*

WEDNESDAY, JANUARY 19, 1859.

Council convened pursuant to adjournment.

Members all present.

Journal of yesterday read and approved.

Mr. Parker presented
The petition of B. G. Elberhard, and others, praying the passage of an act for a *territorial road.*

Mr. Parker moved,
That said petition be referred to
The committee on roads and highways,
With instructions to report the same by bill.
Which was disagreed to.

On motion of Mr. Cornelius,
The petition was referred to a select committee of three,
Mr. Parker to be the chairman of said committee.
The President appointed
Messrs. Berry, and Steward upon said committee.

Mr. Steward, from the committee on the judiciary,
Reported House bills 64, 26, 67, and 28,
Without amendment, recommending their passage.

Mr. Steward, from the committee on counties,
Also, reported House bill 66,
Without amendment, recommending its passage.

Mr. Cornelius, from the committee on claims,
Reported H. B. 47,
dment, recommending its passage.

C. B. 28,

A bill to amend an act entitled "An act relating to the granting of licenses to sell spirituous liquors;" was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, and Steward—4.

Nays—Messrs. Cornelius, Parker, and Mr. President—3.

Thereupon the President declared the bill passed.

H. B. 64,

An act to divorce James Hunt; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, and Steward—4.

Nays—Messrs. Ford, Parker, and Mr. President—3.

Thereupon the President declared the bill passed.

H. B. 67,

A bill to divorce Samuel Abbott and Marian Abbott; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

H. B. 28,

An act to divorce Nancy B. Walling; was

Read the third time,

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

H. B. 26,

An act to grant Mahala Card a divorce; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

H. B. 66,

An act for the relief of school district No. 2, in Linn county; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

H. B. 47,

A bill to divorce Hessey Williams; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has adopted the accompanying

H. J. R. 17,

And request your concurrence.

JAMES M. PYLE, *Clk.*

H. J. R. 17,

Providing for a joint convention of the two Houses, on Thursday, the 20th January, 1859, for the purpose of electing territorial officers;

Was read, and

On motion of Mr. Cornelius,

The Council concurred in the adoption of said resolution.

A further message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed

C. B. 12,

And return the same to the Council for enrollment.

Also, that the House has passed

H. B. 37,

And request your concurrence thereto.

JAMES M. PYLE, *Clerk.*

H. B. 37,

A bill to be entitled "An act to incorporate the Applegate Ditch Company;" was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time, and

Referred to the committee on corporations.

A further message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform the Council that the House has passed

H. B. 27,

A bill for the relief of J. H. Lewis, of Polk county.

H. B. 29,

To divorce Nathan and Fanny Cohen.

H. B. 35,

An act for the relief of John Beeson.

H. B. 55,

To divorce Reuben P. Olds.

And H. B. 56,

To divorce Sarah Derby.

And request the concurrence of the Council to the same.

JAMES M. PYLE, *Clerk.*

H. B. 27,
A bill for the relief of J. H. Lewis, Treasurer of Polk county; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended,
The bill read a second time, and
Referred to the committee on claims.

H. B. 29,
An act to divorce Nathan and Fanny Cohen; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Parker,
The rules were further suspended, and
The bill, H. B 29, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

H. B. 35,
An act for the relief of John Beeson; was
Read the first time.
The rules were suspended,
The bill read a second time, and
On motion of Mr. Mack,
The rules were further suspended, and
The bill read the third time.
Mr. Ford moved to lay the bill, H. B. 35, on the table.
Which was disagreed to.
The question then recurring upon the passage of the bill,
Resulted as follows, to wit:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, and Steward—5.
Nays—Mr. Ford, and Mr. President—2.
Thereupon the President announced the bill passed.

H. B. 55,

A bill to divorce Reuben P. Olds, was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time, and

The rules were further suspended, and

The bill read the third time.

Mr. Cornelius moved

To refer said bill, H. B. 55, to the committee on claims.

Which was disagreed to.

On motion of Mr. Parker,

The bill was laid on the table.

H. B. 56,

A bill to divorce Sarah Derby from her husband, Thomas Derby,

Was read the first time.

On motion of Mr. Steward,

The rules were suspended, and

The bill was read a second time.

Mr. Steward then moved

To lay the bill on the table.

Which was agreed to.

Mr. Mack, from the committee on enrolled bills,

By unanimous consent,

Reported Council bills numbered 19, 15, 14, 11, 9, 17, 16, 5, 3, 10, and 27, as truly enrolled.

On motion of Mr. Parker,

The Council adjourned.

AFTERNOON SESSION.

Mr. Mack, from the joint committee on enrolled bills,

By unanimous consent,

Reported the following Council bills, numbered 6, 12, 15, and 4, as truly enrolled.

On motion of Mr. Steward,

H. B. 56,

A bill to divorce Sarah Derby from her husband, Thomas Derby;
Was taken from the table, and
Read the third time.
The question being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

On motion of Mr. Berry,
H. B. 55,
A bill to divorce Reuben P. Olds;
Was taken from the table, and
Put on its final passage.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

Mr. Steward, by unanimous consent,
Introduced a bill:
C. B. 30,
A bill to change the name of Mary Goode; which was
Read the first time.
On motion of Mr. Steward,
The rules were suspended,
The bill read a second time,
Considered engrossed, and
Read the third time.
The question then being, shall the bill pass?
Was determined in the negative by the following vote, to wit:

Yeas—Messrs. Berry, Mack, and Steward—3.

Nays—Messrs. Cornelius, Ford, Parker, and Mr. President—4.

On motion of Mr. Parker,
H. B. 32,

A bill to change the territorial road leading from Albany, in Linn county, to Drift creek, in Marion county;

Was taken from the table.

The President then announced

The bill to be on its final passage.

The question being taken thereon,

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

Mr. Steward, from the committee on the judiciary,

By unanimous consent,

Reported H. B. 13,

Without amendment, recommending its passage.

On motion of Mr. Steward,

The bill, H. B. 13,

An act for the relief of Yamhill county; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

On motion of Mr. Mack,

The Council adjourned.

I hereby certify that the foregoing is a true copy of the journal of the Council for Wednesday, January 19th, 1859, as approved by the Council.

N. HUBER, *Clerk.*

THURSDAY, JANUARY 20, 1859.

The Council convened pursuant to adjournment.

Members all present.

Journal of yesterday read and approved.

Mr. Mack, from the committee on enrolled bills,
Reported Council bill 2,
As truly enrolled.

Message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform the Council that the House has passed the following bills of the House:
H. B. 57, 68, 69, 70, 71, 72, 86, 101, 102, 104, and 105.
And request your concurrence to the same.
Also, the House has passed
C. B. 24,
And return the same for enrollment.

JAMES M. PYLE, *Clerk.*

H. B. 57,
A bill to divorce Lanphear and Hester Ann, his wife; was
Read the first time.
On motion of Mr. Parker,
The rules were suspended,
The bill read a second time; and
The rules were further suspended, and
The bill read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

H. B. 86,
A bill to divorce George Kellogg; was
[illegible] first time.

On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time.
On motion,
The rules were further suspended, and
The bill read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, and Steward—5.

Nays—Mr. Ford, and Mr. President—2.

Thereupon the President announced the bill passed.

H. B. 71,
A bill to be entitled "An act to divorce Pamelia Taylor from her husband, Absalom Taylor;" was
Read the first time.
On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time; and
The rules were further suspended, and
The bill was read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Mr. President—6.

Nays—None.

Absent—Mr. Steward.

Thereupon the President announced the bill passed.

H. B. 68,
A bill to divorce John P. Kennedy; was
Read the first time.
On motion of Mr. Berry,
The rules were suspended, and
The bill was read a second time.
On motion of Mr. Parker,
Said bill, H. B. 68, was laid on the table.

H. B. 70,

A bill to divorce Mary Culbertson from her husband, William A. Culbertson; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time; and

The rules were further suspended, and

The bill was read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

H. B. 69,

A bill to divorce Peter Bilyeu; was

Read the first time.

On motion of Mr. Parker,

The rules were suspended,

The bill read a second time; and

The rules were further suspended, and

The bill read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Parker, and Steward—4.

Nays—Mr. Ford, and Mr. President—2.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

H. B. 105,

A bill to be entitled "An act to amend an act entitled an act to incorporate Dalles City;" was

Read the first time.

On motion of Mr. Ford,
The rules were suspended,
The bill read a second time; and
The rules were further suspended, and
Said bill, H. B. 105, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

H. B. 104,
An act to establish Butteville Institute; was
Read the first time.
On motion of Mr. Berry,
The rules were suspended,
The bill read a second time; and
The rules were further suspended, and
Said bill, H. B. 104, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

H. B. 102,
A bill to require the county of Josephine to pay into the territorial treasury certain revenue which was due on the first Monday in February, 1859; was

On motion of Mr. Berry,
The rules were suspended,
The bill read a second time; and
The rules were further suspended, and
The bill was read the third time.
The question then being, shall the bill pass?
Resulted as follows, to wit:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

Mr. Parker moved a call of the House.
Which was had.

Absent—Mr. Mack.

Ordered that the Sergeant-at-arms be dispatched for the absentee.

On motion of Mr. Cornelius,
All further proceedings under the call were dispensed with.

H. B. 101,
An act to re-locate the territorial road leading from Lafayette to the Polk county line; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill, H. B. 101, was
Read a second time, and
Referred to the committee on roads and highways.

H. B. 72,
A bill to incorporate the Democrat Gulch Mining and Irrigating Company; was
Read the first time.
On motion of Mr. Berry,
The rules er [illegible] ıded.

[illegible] and

The rules were further suspended, and

Said bill, H. B. 72, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

A further message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that he has signed the following bills:

H. B.'s 4, 6, 11, 15, 18, 21, 22, 23, 24, 25, and 38.

Also, H. J. R. 10, and H. J. R. 13.

And transmit the same, requesting your signature.

JAMES M. PYLE, *Clerk.*

The President announced that he had signed the following bills of the House, to wit:

H. B. 4,

An act to incorporate the Cascade Mountain Wagon Road Company.

H. B. 21,

An act to amend an act entitled "An act to regulate the fees of certain officers, and other persons."

H. B. 11,

An act to extend the charter of the Illinois Valley Wagon Road Company.

H. B. 15,

An act to authorize the board of county commissioners of Jackson to levy a special tax, and create a redemption fund, for the county indebtedness.

H. B. 6,

An act to change the name of Kerbyville, in Josephine county.

H. B. 18,

An act to incorporate the Josephine Wagon Road Company.

H. B. 23,

An act to divorce Eliza Ann Lee from Philester Lee.

H. B. 22,

An act to be entitled "An act to amend section 1, title 1, chapter 2, Oregon statutes, in relation to the jurisdiction of justices of the peace."

H. B. 24,

An act to divorce Lucy Smith

H. B. 38,

To incorporate the Williams Creek Ditch Company.

H. B. 25,

A bill to divorce Buel Woodard from Sarah M. Woodard.

Also, that he had signed the following joint resolutions of the House:

H. J. R. 13,

Asking two new land offices.

Also, H. J. R. 10,

Pacific Railroad Company.

Mr. Cornelius, from the committee on claims,

By unanimous consent,

Reported H. B. 27,

Without amendment, recommending its passage.

On motion of Mr. Cornelius,

H. B. 27,

A bill for the relief of J. H. Lewis, Treasurer of Polk county, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, and Steward—5.

Nay—Mr. President—1.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

Mr. Cornelius, from the committee on corporations,

By unanimous consent,

Reported H. B. 37,

Without amendment, recommending its passage.

On motion of Mr. Berry,

H. B. 37,

A bill to be entitled "An act to incorporate the Applegate Ditch Company," was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Mack.

Thereupon the President announced the bill passed.

Mr. Parker asked, and obtained leave to introduce a bill:

C. B. 31,

A bill to locate a territorial road from Boone's Ferry, in Clackamas county, to a point on the territorial road leading from Oregon City to Salem, at a point where the line dividing the claims of Joseph Ingles and Wesley Baker, crosses said territorial road; was

Read the first time.

On motion of Mr. Parker,

The rules were suspended,

The bill read a second time, and

Referred to the committee on roads and highways.

On motion of Mr. Cornelius,

The Council adjourned.

AFTERNOON SESSION.

Mr. Steward, from the joint committee of conference upon the disagreement of the two Houses to Council amendments to

H. B. 12,

Re-locating the seat of government.

By unanimous consent, reported:

1. That three of the committee had agreed to Council amendment to section 2 of said bill—Mr. T. Vault disagreeing.

2. That the committee had unanimously agreed that the Council recede from Council amendment to the 9th section of said bill.

Mr. Steward moved

The adoption of the report of the committee.

Pending which, Mr. Ford moved

To lay the report of said committee on the table.

Which motion prevailed.

Mr. Steward, by unanimous consent,

Introduced the following bills, numbered as follows, to wit:

C. B.'s 32, 33, and 34.

C. B. 32,

A bill to define the civil relations of Charlotte Olney; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time,

Considered engrossed, and

The rules were further suspended, and

The bill, C. B. 32, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

C. B. 33,

A bill to legalize the town plat of Astoria; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and

On motion, laid on the table.

C. B. 34,

To authorize the construction of wharves at the town of Astoria;

Was read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and

On motion, laid on the table.

Mr. Mack moved

That C. B. 20, be taken from the table,

Which was disagreed to.

Message from the House:

MR. PRESIDENT: — I am instructed by the Speaker to inform the Council that the House has adopted the enclosed resolution, and respectfully invite the Council to meet the House in joint convention, in the Representative Hall.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Parker,

The Council proceeded to the Hall of the House of Representatives, as provided for by a previous resolution, to meet in joint convention for the purpose of electing such officers as are elective by the Legislative Assembly.

After an absence of one hour, the members of the Council repaired to the Council Chamber, and the President resumed the chair.

Mr. Cornelius introduced the following resolution, to wit:

Resolved by the Council, the House concurring, That the eleventh standing rule, of the joint rules for the government of the two Houses, be suspended for the remainder of the session.

Which was, on motion, disagreed to.

Mr. Ford moved

A reconsideration of the vote upon the joint resolution of the House in relation to the *sine die* adjournment.

Which was agreed to; and

Mr. Ford further moved

That said resolution be laid on the table.

Which was agreed to.

On motion of Mr. Steward,

C. B. 33,

Was taken from the table.

On motion of Mr. Steward,

The rules were suspended, and

C. B. 33,

A bill to legalize the town plat of Astoria; was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

On motion of Mr. Steward,

C. B. 34,

To authorize the construction of wharves at the town of Astoria;

Was taken from the table, and

On motion,

The rules were suspended, and

Said bill, C B. 34, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has passed

House bills No. 52, 97, and 117.

And request your concurrence to the same.

Also, that the House has concurred in the passage of

C. B. 18,

And return the same for enrollment.

JAMES M. BILL, Clerk.

H. B. 117,

To authorize the change of a certain territorial road in Umpqua county; was

Read the first time.

On motion of Mr. Ford,

The rules were suspended,

The bill read a second time; and

Referred to the committee on roads and highways.

H. B. 52,

An act for the relief of Clackamas and other counties; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time; and

On motion,

The rules were further suspended, and

The bill, H. B. 52, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President declared the bill passed.

H. B. 97,

A bill to authorize W. R. Munkers to construct a toll bridge across Lake Labish, in Marion county; was

Read the first time.

On motion of Mr. Parker,

The rules were suspended,

The bill was read a second time, and

Referred to the committee on roads and highways.

Mr. Cornelius moved to adjourn,

Which was disagreed to.

On motion of Mr. Mack,

H. B. 68,

Was taken from the table.

On motion of Mr. Mack,
The rules were suspended, and
H. B. 88,
A bill for the relief of John P. Kennedy; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.
Nay—Mr. President—1.

Thereupon the President declared the bill passed.

Mr. Ford moved to adjourn.
Mr. Parker moved to amend,
To adjourn to seven o'clock, P. M.
Which was agreed to.

EVENING SESSION.

The Council met at seven o'clock, P. M., pursuant to adjournment.

Message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that the House has passed the accompanying
H. B. No. 95,
For the relief of Samuel Tollman.
And request the concurrence of the Council.
JAMES M. PYLE, *Clerk.*

H. B. 95,
A bill for the relief of Samuel Tollman; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill, H. B. 95, was
Read the second time, and
Referred to the committee on claims.

On motion of Mr. Cornelius,

Ordered, that the Clerk inform the House of the reconsideration of the vote by the Council on the adoption of House joint resolution No. 14, relative to the *sine die* adjournment, requesting the House to return the same to the Council.

On motion of Mr. Parker,

The Council adjourned.

I hereby certify the foregoing to be a full and true copy of the journal of the proceedings of the Council, for Thursday, January 20, 1859, as approved by the Council.

N. HUBER, *Clerk.*

FRIDAY, JANUARY 21, 1859.

Council convened pursuant to adjournment.

Members all present.

Journal was read and approved.

Mr. Steward, from the committee on enrolled bills,

Reported Council bills 18, and 24,

As truly enrolled.

Also, Mr. Steward, from the committee on roads and highways,

Reported the following bills of the House, to wit:

H. B. 117, and 101,

Without amendment, recommending their passage; and

H. B. 97,

Without any recommendation.

Also, C. B. 31,

With a recommendation that it pass.

H. B. 117,

A bill to authorize the change of a certain territorial road in Umpqua county; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

H. B. 101,

A bill to re-locate the territorial road leading from Lafayette to Polk county line; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

H. B. 97,

A bill to authorize W. R. Munkers to construct a toll-bridge across Lake Labish, in Marion county; was

Read the third time.

The question being, shall the bill pass?

Was determined in the negative by the following vote, to wit:

Yeas—Messrs. Berry, and Parker—2.

Nays—Messrs. Cornelius, Ford, Mack, Steward, and Mr. President—5.

C. B. 31,

A bill to locate a territorial road from Boone's Ferry, in Clackamas county, to a point on the territorial road leading from Oregon City to Salem, at a point where the line dividing the claim of Joseph Ingles and Wesley Baker crosses said territorial road; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

Message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform the Council that the House has passed the following bills:

H. B. 20, 45, 74, 75, 76, 78, 79, 80, 81, 82, 83, 87, 89, 90, 96, and 100.

And request your concurrence thereto.

The House has also concurred in the passage of

C. B. 32,

And the same is herewith returned to the Council for enrollment.

JAMES M. PYLE, *Clerk.*

H. B. 20,

A bill for the relief of M. A. Connoyer, sheriff of Marion county;

Was read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time, and

Referred to the committee on claims.

H. B. 45,

An act to protect Chinamen and Kanakas; was

Read the first time.

On motion of Mr. Ford,

The rules were suspended,

The bill read a second time, and

Laid on the table.

H. B. 74,

A bill to be entitled "An act to amend an act to create a lien upon the property of criminals, in certain cases; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended,

The bill read a second time; and

Referred to the committee on the judiciary.

H. B. 75,

A bill to repeal an act entitled "An act concerning swine running at large in the county of Wasco;" was

Read the first time.

On motion of Mr. Steward,

The

The bill read a second time; and

The rules were further suspended, and

The bill, H. B. 75, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

H. B. 76,

A bill to divorce Elizabeth Jane Williams and Asa Williams, was

Read the first time.

On motion of Mr. Ford,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Berry,

The rules were further suspended, and

The bill, H. B. 76, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

Thereupon the President announced the bill passed.

H. B. 79,

A bill to be entitled "An act to re-locate a part of the territorial road leading from Salem, by way of Matheny's Ferry, to Dayton."

Was read the first time.

Mr. Steward moved

To refer the bill, H. B. 79, to

The committee on military affairs.

Which was disagreed to.

Mr. Par[illegible]oved

To re[illegible]ill to a select committee of three, and that Mr. Steward

[illegible]ttee.

Which was agreed to.

Mr. Steward then moved

That Messrs. Ford, and Cornelius be placed upon said committee.

The yeas and nays were demanded on Mr. Steward's motion, which was decided in the affirmative, as follows, to wit:

Yeas—Messrs. Berry, Mack, Steward, and Mr. President—4.

Nays—Messrs. Cornelius, Ford, and Parker—3.

Thereupon the President announced that said bill, H. B. 79, be, and the same is referred to a select committee—Messrs. Steward, Ford, and Cornelius.

H. B. 81,

A bill to incorporate teachers' association; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Mack,

The rules were further suspended, and

The bill, H. B. 81, was

Read the third time.

The question then being, shall the bill pass?

Was determined in the negative by the following vote, to wit:

Yeas—Messrs. Mack, and Steward—2.

Nays—Messrs. Berry, Cornelius, Ford, Parker, and Mr. President—5.

H. B. 82,

A bill to be entitled "An act to establish and regulate quartz mining claims;" was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

On motion,

The rules were further suspended, and

The bill, H. B. 82, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

H. B. 83,

A bill to locate a territorial road from Eola to Tillamook Bay; was

Read the first time.

On motion of Mr. Ford,

The rules were suspended, and

The bill was read a second time.

On motion of Mr. Steward,

The bill, H. B. 83, was

Referred to the committee on roads and highways.

H. B. 87,

An act to incorporate the congregation Beth-Israel; was

Read the first time.

On motion of Mr. Cornelius,

The rules were suspended,

The bill read a second time, and

On motion,

Referred to the committee on corporations.

H. B. 89,

A bill to authorize the legal guardians of Henry H. Spaulding and George W. Kirk, to sell, convey and secure the right of way for a mill race over the lands of the said Henry H. Spaulding and George W. Kirk, to the following carpenters—Hugh L. Brown, James Blakely, James M. Hargue, William M. Hargue, and Robert A. Johns; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Mack,

The rules were further suspended, and

The bill, H. B. 89, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

Thereupon the President announced the bill passed.

H. B. 90,

A bill to be entitled "An act to amend an act entitled an act relating to alienation by deed, and the proof and recording of conveyances, and the cancelling of mortgages; was

Read the first time.

On motion of Mr. Parker,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Steward,

The bill, H. B. 90, was

Referred to the committee on the judiciary.

H. B. 96,

A bill to amend an act entitled "An act to organize the militia;"

Was read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time; and

On motion, referred to the committee on military affairs.

H. B. 100,

A bill to divorce Philip O'Riley from Harriet, his wife; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

Mr. Mack moved to refer said bill,

H. B. 100,

To the committee on the judiciary.

Which was, on motion, disagreed to.

On motion of Mr. Parker,

The bill was laid on the table.

H. B. 80,

A bill to be entitled "An act to incorporate Yoncalla Institute;"

Was read the first time.

On motion of Mr. Berry,
The rules were suspended,
The bill was read a second time, and
Referred to the committee on education.

H. B. 78,
An act to incorporate the Sterling and Jacksonville Water Ditch and Irrigating Company; was
Read the first time.
On motion of Mr. Parker,
The rules were suspended, and
The bill was read a second time.

On motion of Mr. Steward,
The Council adjourned.

AFTERNOON SESSION.

The President announced the question pending at the adjournment, to be on the reference of H. B. 78.

On motion of Mr. Berry,
The rules were suspended, and
H. B. 78,
An act to incorporate the Sterling and Jacksonville Water Ditch and Irrigating Company; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.
Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

On motion of Mr. Mack,
H. B. 100,
A bill to divorce Philip O'Riley from Harriet, his wife;

Was taken from the table, and

On motion of Mr. Mack,

The rules were suspended, and

The bill, H. B. 100, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that he has signed the following bills of Council:

Nos 2, 4, 6, 12, 15, 9, 13, 14, 5, 19, 17, 27, 16, 11, 10, and 3.

And the same are herewith returned to the Council, where they originated.

JAMES M. PYLE, *Clerk.*

The President announced that he had signed the following bills, to wit:

C. B. 27,

An act to incorporate the town of Monmouth.

C. B. 17,

An act to grant Sarah Ann Smith a divorce.

C. B. 16,

An act for the relief of Granville C. Rider.

C. B. 11,

An act to locate a territorial road from Monroe, Benton county, Oregon Territory, to intersect the territorial road at Smithfield, Lane county, Oregon Territory.

C. B. 10,

An act for the relief of Melissa J. Thompson.

C. B. 3,

An act for the relief of Roberts & Shattuck.

C. B. 19,

An act to divorce Veronica Wilson from H. W. Wilson.

C. B. 5,

An act to divorce Dillard Martin and Miriam Martin.

C. B. 9,

An act to declare navigable the lower part of Long Tom river.

C. B. 14,

An act to legalize the act of the board of county commissioners of Jackson county, in laying out a county road from Jacksonville to John Patterson's, in said county.

C. B. 13,

An act for the relief of school district No. 36, of Washington county,

C. B. 2,

An act to change the practice and fix the times for the holding of courts.

C. B. 15,

An act to vacate a part of the territorial road from Oregon City to Spores', on the Willamette river.

C. B. 12,

An act to change a part of the territorial road from Vandines to Eugene City.

C. B. 6,

An act to incorporate the Yamhill Water Lock and Transportation Company.

C. B. 4,

An act to amend an act entitled "An act to incorporate the Willamette Falls Railroad Company."

A further message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform the Council that the House has passed the following House bills:

Nos. 44, 48, and 119.

And request your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 19,

A bill to authorize the commissioners of Lane and Umpqua counties to pay for certain services; was

Read the first time.
On motion of Mr. Mack,
The rules were suspended, and
The bill read a second time.
On motion,
The rules were further suspended, and
The bill, H. B. 119, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

H. B. 44,
An act to provide for the maintainance of the poor and indigent sick for Josephine and Jackson counties; was
Read the first time.
On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time.
On motion,
The rules were further suspended, and
The bill, H. B. 44, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, and Steward—5.

Nay—Mr. President—1.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

H. B. 48,
An act to provide for the inspection of flour; was
first time.

On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Ford,
The rules were further suspended, and
The bill, H. B. 48, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, and Steward—4.

Nays—Mr. Parker, and Mr. President—2.
Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

A further message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to return to the Council
H. J. R. 14,
Adjourning *sine die* January 22, 1859.
And the same is herewith transmitted.

JAMES M. PYLE, *Clerk.*

On motion of Mr. Berry,
H. B. 45, was taken from the table.
On motion of Mr. Berry,
The rules were suspended, and
H. B. 45,
An act to protect Chinamen and Kanakas; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Steward, and Mr. President—5.

Nay—Mr. Parker—1.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

On motion of Mr. Steward,

EVENING SESSION.

The Council convened at seven o'clock, P. M., as per adjournment.

Mr. Ford, by unanimous consent,

Introduced a bill:

C. B. 35,

A bill to be entitled "An act to divorce Elizabeth E. Soule from her husband, Charles D. Soule; was

Read the first time.

On motion of Mr. Parker,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Ford,

The bill, C B. 35, was

Referred to a select committee of three.

The President announced the names of

Messrs. Ford, Steward, and Mack, as said committee.

Mr. Berry, by unanimous consent, obtained leave, and

Introduced a bill:

C. B. 36,

A bill to amend an act to locate a territorial road from Fort Lane, in Jackson county, to Roseburg, in Douglas county; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended,

The bill read a second time; and

On motion of Mr. Berry,

The rules were further suspended, and

The bill, C. B. 36, was

Read the third time

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the

Mr. Ford, from the committee on roads and highways,
By unanimous consent, reported
H. B. 83,
Without amendment, recommending its passage.

On motion of Mr. Ford,
The rules were suspended, and
H. B 83,
A bill to locate a territorial road from Eola to Tilamook; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Mr. Mack, from the joint committee on enrolled bills,
By unanimous consent, reported
C. B 32,
As truly enrolled.

Mr. Mack, from the committee on corporations,
By unanimous consent, reported
H. B. 87,
Without amendment, recommending its passage.

On motion of Mr. Mack,
The rules were suspended, and
H. B. 87,
An act to incorporate the congregation Beth-Israel; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Mr. Ford, from the select committee,
To whom was referred
H. B. 79,
By unanimous consent, reported the same back,
Without amendment, recommending its passage.

On motion of Mr. Steward,
H. B. 79,
Was laid on the table.

Mr. Parker, from the committee on claims,
By consent, reported H. B. 20,
Without amendment, recommending its passage.

On motion of Mr. Parker,
The rules were suspended, and
H. B. 20,
A bill for the relief of N. A. Connoyer, sheriff of Marion county;
Was read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, and Steward—5.

Nay—Mr. President—1.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Mr. Parker, from the committee on claims,
By unanimous consent, reported
H. B. 95,
Without amendment, recommending its passage.

On motion of Mr. Parker,
The rules were suspended, and
H. B. 95,
A bill for the relief of Samuel Tollman; was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Mr. Parker, from the committee on education,
By unanimous consent, reported
H. B. 80,
With an amendment, which is as follows, to wit:
Amend by adding at the conclusion of section 8, as follows: "Provided that two-thirds of the scholars of said district attend the school."
On motion of Mr. Berry,
The amendment was adopted.

On motion of Mr. Parker,
H. B. 80,
A bill to be entitled "An act to incorporate Yoncalla Institute,"
Was read the third time,
By suspending the rules for that purpose.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Mr. Steward, from the committee on the judiciary,
By unanimous consent, reported
H. B. 74,
Without amendment, recommending its passage.

On motion of Mr. Steward,
The rules were suspended, and
H. B. 74,
A bill to be entitled "An act to amend an act to create a lien upon the property of criminals, in certain cases; was

Read the third time.

The question being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed the accompanying

H. B. 58,

For the relief of certain creditors of the Territory.

And request your concurrence.

JAMES M. PYLE, *Clerk.*

H. B. 58,

A bill for the relief of certain creditors of the Territory; was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Steward,

The bill, H. B. 58, was

Referred to the committee on claims.

Mr. Parker moved

That the President appoint a committee on claims, Mr. Cornelius, chairman of said committee, being sick.

Which was agreed to,

Thereupon the President appointed

Messrs. Parker, Steward, and Mack, as such committee.

On motion of Mr. Berry,

The Council adjourned.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Friday, January 21, 1859, as approved by the Council.

N. HUBER, *Clerk.*

SATURDAY, JANUARY 22, 1859.

Council convened pursuant to adjournment.

On the call of the roll, the following named members responded to their names:

Messrs. Berry, Ford, Mack, Parker, and Steward. Mr. Cornelius being absent by reason of sickness.

Mr. Ford, from the committee on military affairs,
Reported H. B. 96,
Without amendment or recommendation.

Mr. Parker, from the committee on claims,
Reported H. B. 58,
Without amendment, recommending its passage.

On motion of Mr. Steward,
H. B. 79,
An act to re-locate a portion of the territorial road leading from Salem, by way of Matheny's Ferry, to Dayton;
Was taken from the table, and
Read the third time.
The question being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

H. B. 58,
A bill for the relief of certain creditors of the Territory; was
Read the third time.
Mr. Berry moved
To recommit the bill, H. B. 58,
To the committee on claims.
Which was agreed to.

H. B. 96,

A bill to amend an act entitled "An act to organize the militia;"

Was read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, and Mr. President—4.

Nays—Messrs. Parker, and Steward—2.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Mr. Berry moved

To take C. B. 20, from the table.

Which was agreed to.

Mr. Berry then moved

That the Council concur in the House amendments to said bill.

The yeas and nays were demanded thereon.

So the Council refused to concur in said amendments by the following vote, to wit:

Yeas—Messrs. Berry, Mack, and Mr. President—3.

Nays—Messrs. Ford, Parker, and Steward—3.

Message from the House, per Mr. Pyle, their Clerk:

MR. PRESIDENT:—I am instructed by the Speaker to inform the Council that the House has passed the following bills of the House:

No. 77,

McKenzie Fork Mountain Wagon Road Company; and

No. 115,

To divorce Sarah Torrence.

And would request your concurrence thereto.

Also, the House has concurred in the passage of

C. B. 7,

Relating to estrays.

C. B. 29,

Divorcing Ellen L. Coonts; and

C. B. 31,

To locate a territorial road from Boone's Ferry, in Clackamas county, to a point on the territorial road leading from Oregon City to Salem.

And the same are herewith returned for enrollment.

JAMES M. PYLE, *Clerk.*

H. B. 115,

A bill to divorce Sarah Torrence; was

Read the first time.

On motion of Mr. Parker,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Berry,

The rules were further suspended, and

The bill, H. B. 115, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, and Parker—4.

Nays—Mr. Steward, and Mr. President—2.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

H. B. 77,

A bill to incorporate the McKenzie Fork and Cascade Mountain Wagon Road Company; was

Read the first time.

On motion of Mr. Mack,

The rules were suspended,

The bill read a second time, and

On motion,

The rules were further suspended, and

The bill, H. B. 77, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

T President announced the bill passed.

On motion of Mr. Ford,
The Council adjourned.

AFTERNOON SESSION.

Mr. Parker, from the committee on claims,
By unanimous consent, reported back
H. B. 58,
A bill for the relief of certain creditors of the Territory,
Recommending its passage.
The President then stated
The question to be, shall the bill pass?
Which resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, and Steward—6.

Nay—Mr. President—1.

So the President announced the bill passed.

On motion of Mr. Parker,
The Council adjourned to seven o'clock, P. M.

EVENING SESSION.

The Council convened at seven o'clock, P. M., as per adjournment.

Message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that the House has passed the following bills:
H. B. 36, and 108,
And request your concurrence thereto.

JAMES M. PYLE, *Clerk.*

H. B. 108,
An act to be entitled "An act to provide for the expenses of the Constitutional Convention;" was
Read the first time.
On motion of Mr. Mack,
The rules wer

The bill read a second time.
Mr. Ford moved
To lay the bill on the table.
Which was disagreed to.
On motion of Mr. Mack,
The rules were suspended, and
Said bill, H. B. 108, was
Read the third time.
The question being, shall the bill pass?
Was decided in the negative by the following vote, to wit:

Yeas—Messrs. Berry, Mack, and Mr. President—3.

Nays—Messrs. Ford, Parker, and Steward—3.

Absent—Mr. Cornelius.

H. B. 36,
An act relating to roads and highways; was
Read the first time.
On motion of Mr. Steward,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Mack,
The rules were further suspended, and
The bill, H. B. 36, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

On motion of Mr. Mack,
One thousand (1000) copies of said act were ordered printed, for

A further message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed the accompanying

H. B. 109,

And request your concurrence thereto.

JAMES M. PYLE, *Clerk.*

H. B. 109,

A bill to be entitled "An act to amend an act entitled an act to provide for the public printing and distribution of the laws and journals," passed January 11, 1854; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Mack,

The rules were further suspended, and

The bill, H. B. 109, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, and Steward—4.

Nay—Mr. President—1.

Absent—Messrs. Cornelius, and Parker.

Thereupon the President announced the bill passed.

Message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that he has signed Council bills

Nos. 32, and 18,

And the same are herewith returned to the Council, where they originated.

Also, that he has signed the following House bills:

Nos. 17, 52, 37, 72, 105, 102, 71, 104, 70, 69, 86, 57, 27.

And requests your signature to the same

The President announced that he had signed the following bills of the House, to wit:

H. B. 27,

An act for the relief of J. H. Lewis, Treasurer of Polk county.

H. B. 57,

An act to divorce Jonas Lanpier and Hester Lanpier, his wife.

H. B. 86,

An act to divorce George Kellogg.

H. B. 104,

An act to establish Butteville Institute.

H. B. 69,

An act to divorce Peter Bilyeu.

H. B. 70,

An act to divorce Mary Culbertson from her husband, William A. Culbertson.

H. B. 71,

An act to divorce Pamelia Taylor from her husband, Absalom Taylor.

H. B. 102,

An act to require the county of Josephine to pay into the Territorial Treasury certain revenue which was due on the first Monday in February, 1858.

H. B. 105,

An act to be entitled "An act to amend an act entitled an act to incorporate Dalles city."

H. B. 72,

An act to incorporate the Democrat Gulch Mining and Irrigating Company.

H. B. 37,

An act to be entitled "An act to incorporate the Applegate Ditch Company."

H. B. 17,

An act to re-locate a part of the territorial road from Oregon City to Pleasant Hill.

H. B. 52,

An act for the relief of Clackamas and other counties.

he had signed the following bills of the Council, to wit:

C. B. 18,

An act to legalize a certain territorial road leading from Clackamas county to the lower ferry landing on the Willamette river, opposite Portland, in the county of Multnomah.

Also, C. B. 32,

An act to define the civil relations of Charlotte Olney.

Mr. Steward, from the committee on enrolled bills,

By unanimous consent, reported that he had examined and found truly enrolled Council bills 7, 29, and 31.

A further message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed the following bills:

H. B.'s 112, and 114.

And request your concurrence thereto.

JAMES M. PYLE, *Clerk.*

H. B. 112,

A bill to incorporate the John Day's River Ferry Company; was

Read the first time.

On motion of Mr. Steward,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Mack,

The rules were further suspended, and

The bill, H. B. 112, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

H. B. 114,

A bill for the relief of Ann E. Reynolds, was

Read the first time.

On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time; and
On motion,
The rules were further suspended, and
The bill, H B 114, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Ford, Mack, Parker, Steward, and Mr. President—6.

Nays—None.

Absent—Mr. Cornelius.

Thereupon the President announced the bill passed.

Message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has passed the following bill:

H. B. 118,

And request your concurrence thereto.

JAMES M. PYLE, *Clerk.*

H. B. 118,
A bill for the relief of Roberts & Shartle; was
Read the first time.
On motion of Mr. Berry,
The rules were suspended, and
The bill read a second time.
On motion of Mr. Berry,
The rules were further suspended, and
The bill, H B. 118, was
Read the third time.
The question then being, shall the bill pass?
Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, and Mack—4.
Nays—Messrs. Parker, Steward, and Mr. President—3.
the President announced the bill passed.

Mr. Steward moved a reconsideration of the vote upon

H. B. 108,

An act to provide for the expenses of the constitutional convention, by which said bill was lost upon the question of its final passage.

Which was agreed to.

On motion,

The bill, H. B. 108, was put upon its final passage,

Which resulted in the affirmative by the following vote, to wit:

Yeas—Messrs. Berry, Cornelius, Mack, Parker, Steward, and Mr. President—6.

Nay—Mr. Ford—1.

Thereupon the President announced the bill passed.

A further message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform the Council that the House has passed the following bills:

H. B.'s 73, and 110.

And request the concurrence of the Council thereto.

JAMES M. PYLE, *Clerk.*

H. B. 110,

An act to amend an act entitled "An act to amend an act to provide for the sale of the common school lands;" was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second and third times respectively.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, Parker, Steward, and Mr. President—7.

Nays—None.

So the President announced the bill passed.

H. B. 73,

An act to more effectually provide for the labor and safe keeping of the penitentiary convicts, was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

On motion of Mr. Parker,

The rules were further suspended, and

The bill, H. B. 73, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Ford, Mack, and Parker—5;

Nays—Mr. Steward, and Mr. President—2.

Thereupon the President announced the bill passed.

On motion of Mr. Mack,

H. J. R. 14,

Relative to the *sine die* adjournment,

Was taken from the table, and

On motion, was adopted.

Ordered that the Clerk notify the House thereof.

Mr. Mack introduced the following resolution and moved its adoption, to wit:

Resolved, That the thanks of the Council are hereby tendered to Hon. Charles Drain, the President of this Council, for the able and impartial manner in which he has presided over this body during the present session.

Which was, on motion, unanimously adopted.

Mr. Parker introduced the following resolution, and moved its adoption:

Resolved, That the thanks of this Council are hereby tendered to the Chief Clerk, and other officers of the Council, for the faithful performance of their respective duties.

Which was, on motion, unanimously adopted.

A further message from the House:

Mr. President:—I am instructed by the Speaker to inform you that he has signed the following bills of the House:

H. B. 30, 33, 42, 43, 49, 53, 30, 42, 10, 75, 35, 88, 29, 47, 54, 31, 76, 100, 17, 119, 39, 45, 52, 55, 19, 99, 68, 36.

ture thereto.

Also, that he has signed Council bills,

No. 7, 29, and 31.

And the same are herewith returned to the Council, where they originated.

JAMES M. PYLE, *Clerk.*

The President announced that he had signed the following bills of the Council, to wit:

C. B. 31,

To locate a territorial road from Boone's Ferry, in Clackamas county, to a point on the territorial road from Oregon City to Salem.

C. B. 7,

An act to amend an act relating to estrays, and to property lost and unclaimed.

C. B. 29,

An act to divorce Ellen L. Coonts.

Also, that he had signed the following bills of the House, to wit:

H. B. 36,

An act relating to roads and highways.

H. B. 68,

An act for the relief of John P. Kennedy.

H. B. 19,

An act to incorporate the North Umpqua River Bridge Company.

H. B. 33,

An act to incorporate Oregon City.

H. B. 39,

An act to divorce Lydia Casner.

H. B. 66,

An act to divorce Sarah Derby from her husband, Thomas Derby.

H. B. 80,

An act to divorce Mary A. Dennis from the bonds of matrimony.

H. B. 42,

An act to be entitled "An act to incorporate the Monger Creek Water Ditch Company."

H. B. 53,

An act to re-locate a part of the territorial road from Salem to Philip

H. B. 82,

An act to be entitled "An act to establish and regulate quarts mining claims".

H. B. 45,

An act to protect Chinamen and Kanakas.

H. B 119,

An act to authorize the commissioners of Lane and Umpqua counties to pay for certain services.

H. B. 117,

An act to authorize the change of a certain territorial road in Umpqua county.

H. B. 100,

An act to divorce Philip O'Riley.

H. B. 31,

An act to legalize an informal vote locating the county seat of Curry county.

H. B. 76,

An act to divorce Elizabeth Jane Williams and Asa Williams.

H. B 29,

An act to divorce Nathan and Fanny Cohen.

H. B 54,

An act to extend the limits of the town of Dallas, in Polk county.

H. B. 10,

An act to re-establish the boundaries of Astoria.

H. B. 88,

An act to amend an act to incorporate the Cascade Road and Bridge Company.

H. B. 75,

An act to repeal an act entitled "An act concerning swine running at large in the county of Wasco."

H. B. 47,

An act to divorce Hessey Williams.

H. B. 49,

An act to incorporate the Powell's Creek Water Ditch Company.

H. B. 43,

to incorporate

H. B. 35,

An act for the relief of John Beeson.

A further message from the House:

Mr. President:—I am instructed by the Speaker to inform the Council that the House has passed

H. B 98, and H. B. 111.

And request your concurrence thereto.

Also, that the House has concurred in the passage of

C. B. 26,

And return the same for enrollment.

JAMES M. PYLE, *Clerk.*

H. B. 11,

An act for the relief of Mary M. Coney, was

Read the first time.

On motion of Mr. Mack,

The rules were suspended,

The bill read a second time, and

On motion,

The rules were further suspended, and

The bill, H. B. 111, was

Read the third time.

The question then being, shall the bill pass?

Resulted as follows:

Yeas—Messrs. Berry, Cornelius, Mack, Steward, and Mr. President—5.

Nays—Messrs. Hord, and Parker—2.

Thereupon the President announced the bill passed.

H. B. 98,

A bill for the submission to the electors of Oregon of the question, "For, or against Prohibition?" was

Read the first time.

On motion of Mr. Berry,

The rules were suspended, and

The bill read a second time.

The bill, H. B. 98, was

Read the third time.

Mr. Cornelius moved a call of the House.

Which was had—Mr. Steward absent.

On motion of Mr. Cornelius,

All further proceedings under the call was dispensed with.

The question then being on the passage of House bill 98,

Which resulted in the negative by the following vote, to wit:

Yeas—Messrs. Messrs. Cornelius, and Parker—2.

Nays—Messrs. Berry, Ford, Mack, Steward, and Mr. President—5.

Further message from the House:

Mr. President:—I am directed by the Speaker to inform you that he has signed the following House bills, viz:

H. B's 109, 28, and 78.

And requests your signature to the same.

JAMES M. PYLE, *Clerk.*

The President announced to the Council that he had signed the following House bills, to wit:

H. B. 109,

A bill to be entitled "An act to amend an act entitled an act to provide for the public printing and distribution of the laws and journals," passed January 11, 1854.

H. B. 78,

An act to to be entitled "An act to incorporate the Sterling and Jacksonville Water Ditch Company."

H. B. 28,

An act to divorce Nancy B. Walling.

Also, C. B. 26,

An act to divorce Susan Tarey.

A further message from the House:

Mr. President:—I am directed by the Speaker to inform you that the House has passed

C. B. 26,

And return the same for enrollment.

A further message from the House:

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House has concurred in the passage of

C. B. 25,

With accompanying amendment, and request your concurrence.

JAMES M. PYLE, *Clerk.*

House amendment to C. B. 25, was read; and

On motion of Mr. Mack,

Adopted.

Message from the House:

MR. PRESIDENT:—I am instructed by the Speaker to inform you that he has signed the following bills:

H. B. 26, 101, 48, 44, 89, 62, 108, 118, and H. J. R. 17.

And requests your signature thereto.

JAMES M. PYLE, *Clerk.*

The President announced to the Council that he had signed the following House bills, to wit:

H. B. 26,

An act to grant Mahala Card a divorce.

H. B 101,

An act to re locate the territorial road leading from Lafayette to the Polk county line.

H. B. 48,

An act to provide for the inspection of flour.

H. B. 44,

An act to provide for the maintainance of the poor and indigent sick for Josephine and Jackson county.

H. B 89,

An act to authorize the legal guardians of Henry H. Spaulding and Geo. W. Kirk, to sell and convey the right of way for a mill-race, &c.

H. B. 62,

An act for the relief of school district No. 4, in Linn county.

H. B. 108,

An act to provide for the expenses of the constitutional convention.

H. B. 118,

the

Also H. B. 12,

Providing of a joint convention of the two Houses, to elect officers.

A further message from the House:

Mr. President:—I am instructed by the Speaker to inform you that he has signed

H. B. 55, and 79,

And requests your signature thereto.

Also, C. B. 25,

And return the same to the Council, where it originated.

JAMES M. PYLE, Clerk.

The President announced that he had signed the following bills, to wit:

H. B. 55,

An act to divorce Reuben P. Olds.

H. B. 79,

An act to re-locate a portion of the territorial road leading from Salem, by way of Mathany's Ferry, to Dayton.

Also, C. B. 25,

A bill to authorize R. S. Jewett and brothers to construct a floating bridge across Rogue River, and to collect tolls thereon.

And C. B. 24,

An act to divorce Nancy Judson and Lewis H. Judson.

Further message from the House:

Mr. President:—I am instructed by the Speaker to inform you that the House has passed

C. B. 36,

With an amendment, and request your concurrence.

JAMES M. PYLE, *Clerk.*

House amendment to C. B. 36, was read; and

On motion of Mr. Berry,

The amendment was adopted.

A further message from the House:

Mr. President:—I am instructed by the Speaker to inform you that the House has passed

C. B. 34,

With an amendment, and request your

Mr. Mack introduced the following resolution, and moved its adoption, which was agreed to, to wit:

Resolved, That the Clerk be instructed to inform the House, through the Speaker thereof, that the Council is now ready to adjourn *sine die*.

A further message from the House:

Mr. President:—I am directed by the Speaker to inform you that the House is now ready to adjourn *sine die*.

JAMES M. PYLE, *Clerk*.

The hour of twelve o'clock having arrived, the journal of to-day was read and approved.

Mr. Steward then moved

That the Council adjourn *sine die*.

Whereupon the President rose, and after some appropriate remarks, pronounced the Council dissolved.

I hereby certify the foregoing to be a true copy of the journal of the Council, for Saturday, January 22, 1859, as approved by the Council.

N. HUBER, *Clerk*.

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